

Senator SCHUMER be recognized to offer an amendment on independent counsel; further, that there be 2 hours of debate equally divided in the usual form, with no amendments in order to the amendment; provided further that following the use or yielding back of time, the majority leader or his designee be recognized in order to raise a point of order against the amendment.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada is recognized.

Mr. REID. Mr. President, reserving the right to object. I appreciate the majority allowing this to go forward in this manner. Otherwise, we would have been here all day in a rugby scrum until we arrived at this point. Anyway, I appreciate the cooperation of the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004—Resumed

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 1790

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself, Mr. DASCHLE, Mr. REID, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LEAHY, Mr. LEVIN, Mr. NELSON of Florida, Mr. KENNEDY, Mr. DURBIN, Mr. BAUCUS, Mr. HARKIN, Mr. BAYH, Mr. HOLLINGS, Mr. BIDEN, Mr. LAUTENBERG, Mr. SARBANES, Mr. BINGAMAN, Mr. KERRY, Mr. WYDEN, and Mr. GRAHAM of Florida, proposes an amendment numbered 1790.

Mr. SCHUMER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress concerning the appointment of a special counsel to conduct a fair, thorough, and independent investigation into a national security breach)

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF CONGRESS CONCERNING THE APPOINTMENT OF A SPECIAL COUNSEL TO CONDUCT A FAIR, THOROUGH, AND INDEPENDENT INVESTIGATION INTO A NATIONAL SECURITY BREACH.**

(a) FINDINGS.—Congress finds that—

(1) the national security of the United States is dependent on our intelligence

operatives being able to operate undercover and without fear of having their identities disclosed;

(2) recent reports have indicated that administration or White House officials may have deliberately leaked the identity of a covert CIA agent to the media;

(3) the unauthorized disclosure of a covert intelligence agent's identity is a Federal felony; and

(4) the Attorney General has the power to appoint a special counsel of integrity and stature who may conduct an investigation into the leak without the appearance of any conflict of interest.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General of the United States should appoint a special counsel of the highest integrity and statute to conduct a fair, independent, and thorough investigation of the leak and ensure that all individuals found to be responsible for this heinous deed are punished to the fullest extent permitted by law.

Mr. SCHUMER. Mr. President, I yield to my colleague, our leader from South Dakota, as much time as he wishes.

Mr. DASCHLE. Mr. President, I thank all of those involved in the discussion and the agreement we have just reached procedurally. This is an important issue and it deserves the consideration of the Senate.

I want to especially acknowledge the leadership Senator SCHUMER has shown on this matter, and I expressed the gratitude of our caucus to him for providing this legislative leadership as we consider what to do in this particular case.

I think there are several facts we know for sure. We know the law was violated. We know what the law says with regard to violations of this magnitude. We know the chilling effect it has on our intelligence-gathering capability and on personnel involved in the front lines with regard to intelligence-gathering responsibilities.

We know, if we can believe the reports that have already been printed and reported, what motivated someone in the White House or someone in this administration was retaliation, retribution for being critical of the administration. Those things we know.

What we don't know is how it happened. What we don't know is who is responsible. What we don't know is whether or not the perception that the Justice Department can investigate this independently, objectively, and thoroughly is something we can answer today. I would say the answer is no. It would be very difficult to put John Ashcroft in the position of investigating the very people who hired him for the job. We no longer have the independent counsel law. That has expired. I am on record as having said I support the expiration of the independent counsel law because of the abuses that I believe have occurred. What we do have is an independent prosecutor set up by regulation throughout the Justice Department to create more of an independent review, an outside analysis of all of the outstanding questions regarding this particular case.

So that is really what the Senator from New York is saying. Because the

law was violated, because of the perceptions created about the inability of this Attorney General to create an independent, thorough investigation, we have no choice. We have no choice but to encourage and to demand that a special counsel be appointed.

Mr. President, I don't know that there could be anything more egregious—in fact, I thought President Bush's father said it about as well as anyone can.

Anyone who is guilty of doing something such as this is what President Bush said, an insidious traitor. I believe those are strong words, because they deserve the kind of repudiation that words such as that connote.

The only way we can ensure that those responsible for insidious acts involving the very essence of our ability to stay strong is to ensure that when we pass laws involving violations, we deal with them effectively and directly, regardless of who it may be.

Our country is based on the premise, on the foundation, of the rule of law. There can be no respect for the rule of law if laws as essential to our national security as this are violated and there is no followup, no responsibility, no actions taken.

I do not care how one connotes the importance of this law, one cannot minimize its impact in this country today, especially now. So all that the distinguished Senator from New York is saying and what many of us are saying with him is let us uphold the law; let us say, as we demand of others that they respect the rule of law, that we set the example, and that in encouraging the rule of law and respecting the extraordinary consequences of the law those who violate it are held accountable.

I hope this Congress will act unanimously in this sense of the Senate, in this statement of purpose that the Senator from New York is offering today. Let us simply say with one voice that there can be no excuses, there can be no explanation, there can be no other option than pursuing the law vigorously. The only way to do that is to recognize the importance of what the Justice Department itself recognized, that there are times when conflicts of interest stand in the way of pursuing justice effectively. In those times, the only option we have available to us is the creation of an independent counsel.

In essence, that is what we are proposing today. I strongly support the letter as well as the spirit and the intent of the resolution, and I hope my colleagues will do so as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, let me thank our leader from South Dakota for his right-on-the-money words as well as his leadership on this issue with so many others. I think I speak for every Member on our side when I say we are proud to follow his leadership, and every Member of the

Senate, that he is just a fine leader and fine man.

This is a sense-of-the-Senate resolution. As our distinguished Democratic leader stated, it simply says that the rule of law should be upheld. When I read in the Novak column that an agent was outed, I was just furious. My first reaction was to call the FBI and send them a letter asking that there be a thorough investigation. I was told that before anything such as this could happen, the CIA had to answer 11 questions on a certain form that would show the law was—and I am not sure of the standard; it might be probable cause but violated, or at least the significant possibility of it being violated. Evidently, last week the CIA sent those 11 pages back and asked for an investigation.

There are so many points to make, and I will make a few. First, the tardiness of this act; it is despicable. I have been in Washington 22 years. I have never seen anything quite like this. To reveal the identity of an agent, or an analyst, the law does not matter—and I know that it was said on television yesterday by Mr. Novak, well, she was not an agent, she was an analyst and therefore it does not matter, but the law is very clear, and if someone is covert, a member of the CIA, and their identity is revealed, that is a crime.

Furthermore, we do not know if she was an analyst or an agent. If we are going to believe Mr. Novak on this part of it, then maybe we should believe him on all the rest of it. Everyone would agree that some high administration officials did a very terrible thing. To take this agent, analyst, this covert individual, who has served their country, and expose them, endangers them, endangers their sources and their contacts. As my good colleague from California has said, it puts a halt on their career and endangers the security of this country.

Furthermore, we have always felt that our intelligence agents are on the front lines. I was told earlier today by my colleague from Florida, Mr. NELSON, that the first American killed in Afghanistan was not a member of the Armed Forces but a member of the CIA. In a post-9/11 world, our intelligence sources are so important. What does it say to all of those thousands of men and women who serve us that if they tell the truth and somebody high up does not like it either they or their family can be outed? It goes to the very heart of what that Agency is all about. It is no wonder that the CIA, its employees from top to bottom, were just furious about this activity.

I do not know where this will lead. Rumors abound. If the Washington Post is correct and six media outlets were called, it is going to be pretty hard to keep it a secret as to who made the calls, where and when, but that is not the point. The point is, this crime demands a solution. This outrageous act demands justice.

To hear Mr. McClellan of the White House say yesterday, first, there are 50 leaks every week, belittling this, made my blood boil. This is not a typical leak. To reveal a covert operative's name is a crime, not a leak.

Then second, to say, if we find them, we will fire them, well, that is like saying someone in your company is a murderer and all that should happen is they should lose their job. There was a serious crime committed. What makes the crime worse is that it appears on its surface it was committed for reasons of malice, for reasons of stifling debate and dissent. As somebody who has generally been supportive of the President in Iraq, I find it just as outrageous as somebody who might be opposed.

Mrs. BOXER. Will the Senator yield for a brief question?

Mr. SCHUMER. I would be happy to yield to my colleague.

Mrs. BOXER. The reason I am doing this is because I am unable to stay and speak on the Senator's amendment but I wanted to make a couple of comments and ask a question, if I can, through the Chair.

First, I again thank Senator SCHUMER for his leadership on this. We spoke about it this morning, the fact that he took action back in July and wrote to the head of the FBI. He knew immediately that this was something outrageous, and I do thank him for that.

I am also very pleased that we are able now to have the Senator's amendment offered, to which I am a cosponsor. If I am not, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. The fact is, we now have the DC bill in front of us and we have a legislative way to express ourselves. The thing I want to point out is now there is an attempt to try to demean this incident by saying that the fact that a CIA analyst or agent—we are not exactly sure—was revealed is not such a big deal and does not have much merit to it. I know my friend spoke about that, but I want to pursue a couple of questions.

Is it not the fact that the head of the CIA himself decided this was so egregious, to reveal the identity of Ambassador Wilson's wife, that the head of the CIA, who really serves at the pleasure of President Bush, asked for an investigation by the Attorney General? Is that correct?

Mr. SCHUMER. I would assume that is correct. The bottom line is the CIA has asked for it. This is a very sensitive matter. He is the head of the CIA, so I think it is a pretty good assumption that he asked for it. I think another assumption, that he realized this would ruffle a whole lot of feathers at 1600 Pennsylvania Avenue, at the White House, in the administration, is true. But from what I am told by sources who know what went on there, the obligation to the men and women

in the intelligence service transcended any feathers that might be ruffled. It is a pretty courageous act.

Mrs. BOXER. Yes. I just want to point out that to attempt to minimize this crime by saying this woman was probably an analyst and not an agent is unbelievable to me. The fact is, whether she was an agent or an analyst or anything else, was she not undercover? Every time I see her on TV, they cover up her face. I say to my friend, let's not get into the sideshow about was she an analyst or was she an agent. The fact is, she was in a covert situation, was she not, and it is safe to say that the reason her face is covered up is that she was undercover; the reason the CIA asked for an investigation is that they believe a law may have been broken because she was undercover.

I want to make that one point, in addition to the points we made this morning, which is that I hope my colleagues will vote for this amendment. I hope my colleagues on the other side will not have a dual sense of when an independent counsel should be appointed: There is a real estate deal somewhere; there is an independent counsel. There were no lives on the line there. This is a situation where someone who is undercover has been revealed as a way to get back at her husband who happened to bring back the news that the administration didn't want to hear—that in fact Iraq was not purchasing, at least in this particular case, from Niger any nuclear materials.

We have a circumstance where, faced with this, the new defense is: She was just an analyst; she wasn't an agent. I want to make the point, this woman was in the CIA. Her career has no doubt been destroyed. She was undercover. We do not see her face on TV. The fact is, the CIA asked for an investigation. And what my friend is saying today is, we need a more independent investigation. We don't want politics to play a role in this investigation. We want to remove it, even though the Attorney General will still be in charge of an independent or a special counsel, as we call it. A special counsel will have a little more independence than just getting it over to the Justice Department.

Mr. SCHUMER. I thank my colleague.

I wish to clarify a few points that should be made to everyone. The reason there is a debate about an agent or analyst is that is what Mr. Novak said on one of the shows, that is what we were told earlier today.

I have something from CNN.com. They say that other sources told CNN on Monday—yesterday—that Plame was an operative who ran agents in the field. Let me repeat that. Other CIA sources told CNN on Monday that Plame was an operative who ran agents in the field. I don't know if Novak is right or if these other sources are right; that is the very point. The issue of whether she was an agent, an operative, or an analyst is beside the point. The law was broken.

The law is clear, and while it says covert agent but defines agent as an officer—I am paraphrasing—employee, present or retired, of an intelligence agency whose identity has not been previously publicized, revealed, that is the point.

Once again, my colleague from California makes a very astute point. No one is revealing the face of this person. No one was revealing the name of this person. The bottom line is it is quite clear the law was broken. The only question we don't know is who broke it. What we are trying to do—and again the Senator from California is exactly right—is keep the politics out of this issue.

The idea that when a law is broken and someone calls for a full and thorough investigation, and the mechanism to do it, is politics is absurd. I will tell you what politics is—despicable and nasty politics. It was revealing this person's name because they did not like what her husband said. That is the politics of this issue.

Mrs. BOXER. Mr. President, will my friend yield further?

Mr. SCHUMER. I will be happy to yield.

Mrs. BOXER. I wish to make a point to underscore this discussion. This leaking of a name is, on its face, a crime. The person who did this deserves to be punished because to think that someone would punish someone's family—they didn't like what Ambassador Wilson said: How can we hurt him? How can we sting him? How can we burn him? We will hurt his wife. We will out her; that will ruin her chances. And that will send a chilling message to Ambassador Wilson: A, be quiet, maybe this will go away; and, B, it sends a chilling message to everyone. That is why what you are doing is so important.

This is an incident that cannot be swept under the rug. Whether it is a Democratic administration or a Republican administration matters not because this endangered someone, and it sends a chilling message to anyone who might bring bad news to this administration, who might disagree with their policy in Iraq.

I say to my friend, he is right on target. If this does fail in a party-line vote—and I pray it does not, but if this fails in a party-line vote, unfortunately, this will become a bigger and bigger political issue because I, for one, am not going to stop focusing attention on it. As a woman who has all my life been in jobs that are perhaps a little bit different than other women, I have tried to say we can do it. This attack on this woman who was on the ladder, obviously, in the CIA, was not only a crime, it was unjustified, and it sends a terribly chilling message to other women out there that you can do the greatest job in the world but, gee, if you are married to someone who might say something controversial, you are going to be outed.

What about the message—I close with this—it sends to other agents out

there, other agents who may be working on issues and bringing back information that the administration doesn't want to hear because maybe it does not comport with what they want to be known as the facts? What kind of message does this send? Are they going to take the risks? As Senator HARKIN said, we are going to win this war against terrorism by the quality of our intelligence. And here we have the White House itself that says it is leading the fight against terrorism. We stood by their side continually on this, as we should. Here they are, in essence, outing someone who could be working in ways to save our people from another terrorist attack, from al-Qaida, and whatever else.

I am so pleased my friend has been so stalwart on this issue. Anything he needs from this Senator from California to help him, I remain available to do whatever I can do to bring justice to this family.

I yield back the time.

Mr. SCHUMER. I thank my colleague from California for her strong, intelligent, and heartfelt words.

I would like to make just one other point, and this is a very important point I have not talked about before, so I hope my colleagues will listen. People ask, Why ought there be a special prosecutor? Why not let Justice do the job?

There are obvious reasons. Attorney General Ashcroft is a close political associate of the President's. If this goes high up into the White House, there is obviously the appearance of a conflict, if not a conflict itself. There is nothing wrong with the President appointing a close political associate as Attorney General. Some have. John Kennedy did. Bill Clinton didn't. The other model is to appoint someone at some distance, someone removed, a professional law enforcement person. But when you appoint someone who is close, you lose any vestige of independence when something sensitive comes up, making the need for special counsel more important.

A special counsel is not a runaway counsel. The independent counsel law expired because people were worried about that. It is still appointed by the Attorney General. The differences are threefold. No. 1, the day-to-day running of the investigation is not under the Attorney General or the staff that is directly under him with the chain of command going up.

Second, a very important prophylactic measure: Anytime the Attorney General should reject the request of the special counsel—to subpoena someone or bring someone to a grand jury or file some charges—a report has to be made to Congress. That is an extremely important and prophylactic measure.

Third, special counsel, when they have been appointed—and by the way, Archibald Cox and Leon Jaworski, people like them, fell under a law very similar to the President's special counsel law because that was before the

independent counsel was allowed and after 1999. After it expired, Justice passed this regulation allowing special counsel again. But they have stature. They are not going to be pushed around. Everyone will see who is appointed.

Obviously, if the Attorney General should appoint someone who doesn't have the stature, doesn't have the political independence, they will not be given the respect that someone of stature and independence would. But because it is public, that is generally what happens. A Warren Rudman or a John Danforth or a George Mitchell or a Sam Nunn would be ideal type candidates as independent counsel.

Let me show an example. This is the point to which I want people to pay attention. We just had an example of why we need a special counsel. This was reported, as I am told, by Mr. McClellan. We learned this morning that the White House Counsel, Mr. Gonzales, had sent an e-mail to all White House employees to preserve all their records, their logs, their e-mails and things like that. It was a good thing to do.

But what Mr. McClellan just confirmed is that he was asked by the Justice Department to do it last night. He said: Can I wait until the morning? And the Justice Department said yes.

Did anything happen between last night and this morning? I don't know. Nobody knows. You can be sure, if it was a special counsel, that ability to delay for several hours the sending out of this very important e-mail wouldn't have happened, or it only would have happened with an extremely good reason.

But when you don't have a special counsel, when the White House Counsel makes the request, it is given the benefit of the doubt. Frankly, at least from the allegations we hear the White House Counsel is in the same place as the person or persons who did this dastardly act. So if there was ever an example of why we need a special counsel, it just came out when Mr. McClellan told us about this delay in sending out the e-mail. For all we know, and this is just hypothetical, rumors went throughout the White House that there will be an e-mail this morning—and this is just hypothetical and, hopefully, it didn't happen—but maybe that somebody who did it didn't save what they were supposed to save, inadvertently threw them out. Who knows?

Again, if the special counsel were there, it is likely not to have happened. And if it did happen that the delay was sanctioned, people would have more faith that there was a justification for it.

So we need a special counsel. It is not a perfect mechanism, but it is the only mechanism available that has some semblance of independence, of fairness. Along with my 15 cosponsors, we are requesting a sense-of-the-Senate resolution that that be done.

I remind my colleagues, this is a sense of the Senate. It is basically a

sense of the Senate that in a very real sense says: Do you want to get to the bottom of this, and do you want to do it fairly and not politically? It doesn't require it to happen.

Excuse me, we have now 22 cosponsors.

It doesn't require it to happen, but at least we go on record, this body, as saying there ought to be a full, fair, and independent investigation—and a fearless investigation, I would add, an investigation that will go wherever it leads.

I repeat, I have no idea who did this. There are names bandied about. If it is true that six people in the media were called, this is not going to be a top secret, even though the media people will not want to reveal that they were called because of their sources. But a special counsel should be able to get to the bottom of it. Any counsel should be able to get to the bottom of it if, A, they really want to; B, they don't fear getting to the bottom of it; and, C, they are not told by somebody else not to, subtly or otherwise.

I guess that is another point I would make. What this case is about in many ways—not every way, there are so many ramifications to it already—the reason it has resonance is not only that what was done was despicable, but it relates to a methodology in Washington that has become too current lately, which is knee-capping people with whom you don't agree instead of having an open debate, saying you think this; I think that; let's see what the people decide. To call into question their character or patriotism or anything else—we have seen that in many different areas in the last year or two.

So it has tremendous resonance, but ultimately one thing this is about is the ability to tell the truth without being hurt for telling that truth, hurt professionally. Isn't that, indeed, the reason we need a special counsel? If there is a career diplomat in the Justice Department who is doing this investigation, maybe he or she, even if told nothing, will say: Hey, if I bring this all the way to the top where I think it ought to go, it might hurt my career. Who knows? With the special counsel, if it were a John Danforth or a Sam Nunn, they would not worry about their career. Their integrity is rock ribbed, and they will take it where it leads.

I hope we will allow a vote on this amendment. I don't know what the other side is afraid of, or whoever is afraid, to not allow a vote on this amendment. It is a simple sense-of-the-Senate resolution, and I would argue it will be more foretelling if this amendment is being blocked from being voted on. It will be very revealing if this amendment is blocked because it is saying somebody, somewhere, is afraid of where this investigation would lead.

I think if a point of order is raised and not overturned in any way, then—I guess it cannot be overturned. If the point of order is raised and a vote is

prohibited, it is going to say something. It is going to say those who raise the point of order are afraid of where the truth may lead. That is one of the things we all worry about.

Once again, I say to my colleagues that the very fact that the e-mail which went out this morning was asked for last night, and delayed for several hours, raises questions. They may be answered; they may not be. But that is the kind of question that will come up every day in an investigation if we do not have a special counsel.

I thank my colleagues from South Dakota and California and the so many others who spoke this morning—the Senators from Nevada, Iowa, and Florida.

All I can say is for the sake of this country, for the sake of fairness, and for the sake of the continuing rebuilding and the viability of our intelligence services, I hope this amendment passes. I hope no one will block it on a parliamentary procedure called "a point of order." I hope we will get to the bottom of this dastardly act and find out who put the integrity of the intelligence services and possibly the lives of people on the line for simply the purpose of malice or the purpose of preventing the truth from coming out.

I am going to yield as much time as he would like to my colleague from Illinois, a member of the Intelligence Committee.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Illinois.

Mr. DURBIN. Thank you, Mr. President. I thank Senator SCHUMER for his leadership on this issue.

This is not a new issue. This article was written by columnist Robert Novak back in July. It is interesting at the end of September and the beginning of October that it finally surfaces and is receiving the attention it deserves.

What Senator SCHUMER is asking is for the Senate to go on record in calling on the Bush administration to appoint a special prosecutor, someone who will be independent enough to ask the hard questions and try to find out who was the source of this very serious security leak.

Keep in mind what happened here. A decision was made by someone in the administration—perhaps in the White House—to disclose the identity of a woman working for one of our intelligence agencies. In and of itself, it doesn't sound like much to an outsider. But for many of the people working for those intelligence agencies in a covert status, the fact that their identity is not known is an important part of their job and an important part of their survival. As a result, the disclosure of the identity of such a person is a Federal felony, the most serious crime you can commit. We believe it undermines our intelligence-gathering capability and can literally endanger the lives of innocent, hard-working, patriotic Americans to knowingly disclose their identity. In this case, a de-

cision was made within the Bush administration to disclose the identity of this woman and jeopardize her future, her career, and maybe even her life. That is as serious as it gets in this business.

We can remember back in the Nixon administration the enemies list that was generated—people the Nixon administration decided did not share their views on foreign policy or domestic policy. They made a long list of columnists and individuals across America who were their enemies. They looked for ways to hurt them.

In this situation, we have the equivalent of an enemies list in the Bush administration—a decision by someone at the highest level of the administration to declare that Ambassador Joe Wilson and his wife were enemies and at any cost they had to be silenced; they had to be stopped. What was the administration trying to silence? They were trying to silence the fact that they sent Ambassador Joe Wilson, a former Ambassador in the Clinton administration, on a special detailed assignment to determine whether some of the statements the administration had made about the dangers of Iraq were true, particularly the statement which was made in the President's State of the Union Address that there had been fissile material that could be used to make nuclear weapons sent from the tiny African nation of Niger to Iraq.

Of course, the reason that was important was because it was the first issue raised by the Bush administration as to why we had to invade Iraq. If they had nuclear weapons and the capacity to build them in short order, they would be a threat not only to the region and to the world, and so we had to stop Saddam Hussein in his tracks.

Evidence of the movement of this enriched uranium or fissile material from Africa to Iraq was critical. The President of the United States thought it was so important that he made reference to it in his State of the Union Address to the American people.

When Ambassador Joe Wilson was sent to Africa and began investigating, he returned and reported to the Bush administration they were wrong. In his estimation, there was no evidence that this ever took place. In fact, as I stand here today, President Bush has apologized to the American people for including this statement in his State of the Union Address, and there is literally no evidence that this took place.

Ambassador Wilson did his job, took his assignment for the Bush administration, did it honorably, and came back and reported to them what he found. But there were some people in this administration who didn't like his report. They didn't want to know the facts. They had already created a scenario of nuclear weapons, and Joe Wilson's report wasn't consistent with it. They went forward and allowed this unproven theory to fester and grow as they started talking about the danger of Iraq to the world.

Finally, Ambassador Joe Wilson, in desperation, published an article in a leading newspaper and said, I have to tell the truth. I went to Africa on an assignment from the Bush administration. What I found was inconsistent with what they said to the American people.

This was an amazing development—an amazing disclosure. But I met with Ambassador Wilson, and he felt he had no other choice. His integrity was on the line. He decided to tell the truth to the American people. But because he did and because that truth brought embarrassment to this administration, they struck back. But they didn't strike at Ambassador Joe Wilson. They went after his wife, a professional intelligence agent working in a covert capacity. That is what this is all about.

Who was behind this? I don't know. I do not know if it reaches to the White House. I can't say. Mr. Novak has only said "administration sources." But what Senator SCHUMER brings to the floor today to really confront is the fact that we cannot honestly expect Attorney General John Ashcroft to really treat this case in the manner it deserves to be treated for the good of our intelligence gathering, for the integrity of the people who work at those agencies and, frankly, for justice to be served.

Last year when I served on the Senate Intelligence Committee and there was a disclosure of some classified information, Vice President CHENEY and Secretary Rumsfeld were adamant and vocal that the leaking of classified information, particularly in the runup to the war in Iraq, was absolutely intolerable and unacceptable. No one questions that premise. I certainly don't, as a member of the Intelligence Committee. When this piece of information was leaked, they turned on the Intelligence Committee and said we want to know which Senator—assuming it was a Senator, and it could have been staff or someone else, for that matter—which Senator leaked the information.

Do you know what they did next? They sent an FBI agent to my office and to the office of every Senator on the Intelligence Committee—this Ashcroft Department of Justice and the Bush administration. They asked me if I would submit to a polygraph—a lie detector—to determine whether I was the one who leaked the information. I didn't leak the information. But I also feel, as most people do across America, that those polygraphs are notoriously inaccurate. Most States don't even recognize them in their courts. I have never counseled a client in my legal practice to take one. I just do not think they can be trusted.

I said no, I am not going to submit to a polygraph. The next thing you know is that in the course of my reelection campaign it was disclosed to the public that I had turned down the request of the FBI agent for a polygraph test. I explained it as best I could to the people of Illinois. They obviously accepted

it, and gave me a chance to serve again in the Senate.

But isn't it interesting that this Bush administration and their Department of Justice, which obviously believes so passionately in polygraph tests, now is in a predicament where if they are going to investigate this leak, if they are going to try to find out which person in the administration is responsible for calling Robert Novak and disclosing this, they are frankly going to be in a position where they have to ask for polygraph tests.

You have to ask the obvious question. Is Attorney General John Ashcroft willing to ask Karl Rove to submit to a polygraph and tell the people whether he says yes or no? You could go through the list of potential people from the administration who need to be asked. I think the answer is obvious. They are not going to do that. Attorney General Ashcroft is not likely to ever do that.

What Senator SCHUMER and myself and others are saying is now is the time to acknowledge the obvious. This administration is not up to the task of dealing with such a disclosure so sensitive and so important at the highest level of Government. It is time to give this responsibility to a special prosecutor, someone outside the administration, with no conflict of interest.

I will tell you, I did not think the day would come, or come soon, when I would come to the Senate floor and call for a special prosecutor. The gross abuse of independent prosecutors during the Clinton era really, I guess, satisfied me once and for all that you have to be extremely careful to put that much power in one individual. But I do not know any other way out here.

I cannot imagine that leaving this in the hands of Attorney General Ashcroft and the Department of Justice is really going to give us a satisfactory conclusion to these critical and important questions: Who was it who decided to put Ambassador Wilson's wife on this hit list, on this enemies list? Who was it who was willing to risk prosecution of a Federal felony to embarrass her and compromise her as an analyst or an agent for America? Who was the person who decided that all bets were off and no holds were barred when it came to going after critics of the administration?

Those are hard, tough questions, questions this President would not want to face, no President would want to face, and certainly questions not likely asked or answered if it is going to be done within the administration.

So I certainly support my colleague from New York. I join with others who believe the appointment of a special prosecutor is the only way to serve the needs of justice and to do it in a way where there is a credible outcome.

#### LOST JOBS AND THE ECONOMY

Mr. President, I would like to ask, if I may, to step aside from this particular issue for a moment and note the fact that the President of the

United States visited Chicago, IL, today. We were happy to see the President, whatever the circumstances. In this case, he came to raise money. Over \$3 million was raised in Chicago for his campaign. But I might also note that over 3 million jobs have been lost in America under his administration. Both of these are historic records for President George W. Bush.

The real question that presents itself is this: Can all the money raised in Chicago and other places to buy media make America forget all those lost jobs? Can \$3 million raised today in Chicago make America forget the 3 million lost jobs under the Bush administration? More jobs have been lost by this President than any other President since the Great Depression—70 years ago. It is the worst record of job creation under any President in modern history.

In Illinois, we know this too well. Working people in Illinois are not going to forget we have lost 200,000-plus jobs since President Bush was sworn in. And I just met with a group of small businesses, small manufacturers. They are not going to forget we have lost over 123,000 manufacturing jobs in my State of Illinois alone since President Bush took office.

Our taxpayers in my State are not going to forget that President Bush's unfunded school mandates in No Child Left Behind are going to cost our school districts millions of dollars at a time when they literally cannot afford it because of our State's financial crisis.

Also, I do not think there will be a family in America who will forget the costly and dangerous occupation of Iraq, which President Bush has obligated American families and taxpayers to bear. I do not think there is enough spin in Washington or enough dollars in the President's campaign coffers to cover up these realities.

So, Mr. President, thank you for visiting Chicago. I am sure you had a great day. But I think the total story is going to be considered by the voters in Illinois before the next election. And when they look at the economic record of this administration, they are going to realize we have squandered a great opportunity. The economic expansion of the 8 years before President Bush came to office has not been equaled or rivaled, and it is not likely to be in the future, as long as we have a President who is passing out tax cuts to wealthy people and generating the largest deficits in the history of the United States, causing us to cut back in education spending and health care spending, causing us to compromise the Social Security trust fund as the baby boomers come on line to receive their checks.

These are the realities that American families understand. And when this President—

Mr. GREGG. Mr. President, I was wondering if the Senator would yield for a question.

Mr. DURBIN. I would be more than glad to when I have finished. On your time, I would be happy to answer a question.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. President, the other point I would like to make, before we return to the issue at hand, is this: People say, What has happened? It seems as if there is more criticism of the Bush administration in the last few weeks. And I think that is true. I think once the President went on national TV and announced that \$87 billion pricetag for our continued presence and occupation of Iraq, the American people were awakened to reality. This \$87 billion pricetag is a bone in the throat of America's taxpayers and families. They understand that we are not cutting spending or raising taxes to come up with that money; we are, in fact, adding to the deficit—the biggest deficit in our history—and we are taking it out of the Social Security trust fund.

I, for one—and I am sure I speak for every Senator—will not compromise when it comes to our military. We will give them every single dollar they need to be successful and come home safely.

When it comes to spending billions of dollars in Iraq to do things which we obviously cannot do, according to the President of the United States, hard questions will be asked, and the hardest question is going to be posed by my colleague from the State of North Dakota, Senator BYRON DORGAN. I think he has really touched a nerve because he has reminded this administration that time and again they told us this day would never come, that Iraq was so bountiful in its oil reserves that it could finance its own reconstruction. Those are statements made by Vice President CHENEY, Secretary Rumsfeld, Assistant Secretary Wolfowitz; the list goes on and on.

Now they come to us and say they need \$20 billion that is going to rebuild Iraq. Well, the Democratic leader, Senator DASCHLE, raised the question earlier. It is clear that the money to rebuild Iraq is going to be borrowed. The question is, From whom will it be borrowed? From the American people or the Iraqi people?

I agree with Senator DORGAN. Let's take this bountiful oil supply that they have in Iraq and use that as security, as collateral for what they need to rebuild their country. We can help them. I am sure we will. But, honestly, shouldn't the Iraqi people and their future oil revenues be on the line before our Social Security trust fund and our investments in education and health care? It is fairly obvious to me and to many of the people I represent.

Let me conclude and say again to Senator SCHUMER, thank you for your leadership on calling for this special prosecutor. It is my belief that a special prosecutor at this point is the only way to make sure that justice is served. If we have in any way seen a compromise of intelligence gathering in the United States, it could not have come at a worse time.

If we are going to successfully fight the war on terrorism, we have to stand behind the men and women at those intelligence agencies. We have to support them. And in my oversight capacity with the Intelligence Committee, from time to time I am sure I will be critical of some of the things they will do, but we should never, ever compromise their identity or professional integrity or ability to do their job.

Whoever decided to leak the identity of Ambassador Wilson's wife to Robert Novak, who writes a regular column, decided that the political price they had to pay was worth it. They were going to make that family pay a price that few others would be asked to pay because they were so bold as to criticize this administration's policy in Iraq. We have to get to the bottom of it. And I do not think Attorney General John Ashcroft's Department of Justice is up to that job.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that the amendment by Senator SCHUMER have added to it as cosponsors Senators LIEBERMAN and FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the Senator from Illinois said he would respond to a question on my time. And I will ask him a question and yield him 30 seconds to respond. It should not even take that long. But since the Senator from Illinois wandered during his presentation on to ground other than the actual amendment before us, specifically the issue of education, I was wondering when the Senator from Illinois intends to offer his motion to deny the children of Washington the opportunity to get a fair and reasonable education—something that is supported by the Mayor of this city, something that is supported by the president of the school council in the city, something that is supported by 7,500 children who are on a waiting list to get a decent education.

When does the Senator from Illinois intend to offer his motion to strike the capacity of those children to get a decent education?

I yield to the Senator, oh, 10 seconds to answer that question.

Mr. DURBIN. It will take 30 seconds.

Mr. GREGG. I will yield the Senator 30 seconds.

Mr. DURBIN. I would ask the Senator to clarify. Is he speaking about the proposal to divert public funds to private schools, a proposal that has been rejected by an overwhelming majority of people in the District of Columbia, the school board, and the city council, the proposal that would send the money to schools without standards that the teachers in these private schools even have college degrees? Is that the proposal about which the Senator is asking?

Mr. GREGG. I am simply asking if the Senator ever intends to offer his motion to strike.

Mr. DURBIN. The answer is yes, I do intend to offer it.

Mr. GREGG. Does the Senator intend to offer it today?

Mr. DURBIN. Not today, but I intend to offer it.

Mr. GREGG. Does the Senator intend to offer it tomorrow?

Mr. DURBIN. It could be tomorrow.

Mr. GREGG. I appreciate the Senator's candor.

Mr. President, what is the time that is allowed?

The PRESIDING OFFICER. The sponsor of the amendment has 8 minutes 6 seconds. The opponents of the amendment have 58 minutes.

Mr. GREGG. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I yield myself such time as I may consume.

I ask the Chair to advise me when 3 minutes remain.

Mr. President, after I went home last evening, I couldn't stop thinking about a statement Senator HARKIN had made regarding the leak of classified information about the identity of an undercover CIA agent. Like Senator HARKIN, I also remember as a boy seeing those signs that warned: Loose lips sink ships. Our Nation was at war then. Even though the war was far away, every citizen was constantly reminded that there might be spies among us and that the wrong information in the wrong hands could cost American lives. So here it is, 67 years later. Once again we are at war and, sadly, it seems that the wrong information has been passed into the wrong hands—not by our enemies but by someone who works at the White House.

By now I think we are all familiar with what happened. On July 14, the political columnist Robert Novak, who I consider a friend and like very much, disclosed the identity of a covert CIA operative. He wrote that the information was given to him by "two senior administration officials." Yesterday the Washington Post reported that before Mr. Novak's column appeared, two top White House officials had called at least six journalists, revealing the name of this undercover CIA agent.

The reason, of course, for the leak has been well established. It was to get back at the husband of the agent. He is Joseph C. Wilson, former U.S. Ambassador, who had publicly challenged President Bush's claim that Iraq tried to purchase uranium from Africa. In retaliation for Mr. Wilson's telling the truth as he saw it, two White House officials apparently blew his wife's cover and, in the process, they threatened our national security. If you think that is overreacting, remember the old warning: Loose lips sink ships. Because that information was leaked, this agent's ability to gather intelligence has been destroyed and her safety has been put at risk.

Even more important, the leak of that sensitive information has jeopardized the safety of every person in the

world who had cooperated with her. Any person who was a known associate of this agent will now be suspected of cooperating with the CIA. Maybe even some innocent friend would be so thought. We might never know how many people have been tortured or maybe killed as a result of this leak.

As terrible as that scenario is, it is not the worst consequence of this leak. This leak of classified information will undermine our efforts to recruit people who can help us in the war on terrorism, people who might be able to infiltrate terrorist cells and gain prior knowledge of deadly plots against our Nation. Because of this leak, people who might be inclined to pass information along to the United States will now wonder whether we can be trusted to protect their identity. After all, if they can't trust those who work in the White House, who can they trust.

We are at war against terrorism. It is a war that will not be won with our mighty arsenal of weapons. It is a war we can only win by obtaining good intelligence about the plots that these terrorists are hatching. Intelligence is our best weapon against terrorism. So loose lips not only sink ships, they might prevent us from stopping a future terrorist plot.

This is as serious as it gets. I used the word "traitor" yesterday in a colloquy with Senator HARKIN. I know that is strong language, but I believe that about anyone who would leak this kind of sensitive information at a time when we are at war. This is a crime. It is a felony punishable by 10 years in prison.

This morning we heard that the Justice Department has launched an investigation into this crime. Realistically, we not only have to do away with what is bad but what looks bad. To have John Ashcroft, former Senator, long-time political confidant of the President doing this investigation simply won't sell. Considering the grave nature of what has happened, this case warrants an independent counsel, a special counsel, someone who does not have political ties to the White House. If we need an independent counsel to investigate a private real estate deal, certainly a breach of national security deserves the same level of scrutiny. We must act quickly before memos and phone logs and computer records are destroyed.

We must find the source of this leak and send a message to everyone everywhere who betrays the United States: Loose lips sink ships, and they will land you in jail.

Mr. LEVIN. Mr. President, I have cosponsored the Schumer sense-of-the-Congress amendment which is before the Senate. The amendment calls upon the Attorney General to appoint an independent special counsel to investigate allegations that a high ranking official or officials within the Bush administration purposely disclosed to the media the identity of a CIA agent involved in clandestine operations.

If these allegations are true, they are extremely serious. In fact, the individual or individuals who provided this information to the media may well have committed a felony under federal law. Such a disclosure could endanger the CIA operative involved, former Ambassador Joseph Wilson's wife, and makes it impossible for her to continue to function as a clandestine CIA operative. This act could also endanger a number of individuals, assets, contacts and even mere acquaintances of the CIA operative. And, this act may send a cold shiver down the spine of every CIA employee and asset now operating under cover anywhere in the world. If the administration itself will not safeguard their identities, how can they feel secure? These are men and women playing absolutely critical roles in the defense of our national security. The role in our security of such individuals gathering intelligence around the world has been all the more clear since September 11, 2001.

Mr. President, this amendment seeks to send a clear message that we believe that the American people deserve a credible and independent investigation not influenced by or even weakened by the perception of influence which results from an appointee of the President investigating high level administration officials. An appointment of a special counsel of unquestioned integrity and credibility is the only way to assure that independence. I hope the majority will permit a vote on this sense-of-the-Congress amendment today and that the Senate will adopt this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, what time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 58 minutes. The proponent of the motion has 3½ minutes.

Mr. REID. Mr. President, we know that the time will just run out. Senator SCHUMER wanted to speak last. He is not here. So we have no alternative. If the Senator is going to yield back his time, there is no way to preserve our 3½ minutes.

Mr. GREGG. Mr. President, we are ready to proceed. If we can have the clock run equally against both sides, I ask unanimous consent that that occur until the minority's time has run out, and then we will make a motion, unless the minority wishes to yield back.

Mr. REID. Mr. President, because of the time constraints, I ask unanimous consent that a point of order not be taken in this matter and that we have an up-or-down vote.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. That is really too bad. I say that because it would seem that something this important to the American public should at least have an up-or-down vote. All we want is a resolution from this body saying it is appro-

priate that the Attorney General, in effect, recuse himself and assign a special prosecutor to look into this most serious matter.

There is no question that somebody committed a crime. We don't know who it is or who they were, but leaking this information is a crime. It is a felony punishable by at least 10 years in prison. I think it is unfair. We know that Senate rules often don't appear to be fair. But in this instance, it would certainly be the right thing to do to allow an up-or-down vote.

I yield back whatever time we have.

Mr. GREGG. Mr. President, this is being investigated by the FBI. It is not being investigated by the Attorney General. The FBI will be doing the legwork and we will find out what happened as a result. Clearly, if the allegations are correct that a crime has occurred, it should be prosecuted.

Mr. President, I yield back the remainder of my time. I make a point of order that the amendment is not germane to the bill.

Mr. REID. Mr. President, I ask unanimous consent that the point of order not be laid before the Senate until 3:45 and Senator SCHUMER at that time be allowed 5 minutes prior to the point of order being taken.

Mr. GREGG. I object.

The PRESIDING OFFICER. Objection is heard. The point of order has been made. The amendment is not germane. The point of order is sustained. The amendment falls.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The DC appropriations bill is the pending business.

Mr. GREGG. I thank the Chair. I want to return to the underlying bill, a bill that has been debated for 4 or 5 days. Regrettably, I was not able to be here.

Returning to the underlying issue, which is the District of Columbia appropriations bill, and specifically the language in that bill which created new dollars at the request of the Mayor and the president of the school board and members of the school council to fund three basic programs, one is school improvement, the second is charter schools, and the third is a choice program which would involve not only public but also private schools within the city. Unfortunately, I was not here for all the debate, but it is important to talk about who is being impacted.

Who is this debate really about? The District of Columbia has a very large school system. Unfortunately, it is one that has some very fundamental problems. Those problems have created an atmosphere where, regrettably, a large number of children cannot get a decent education. In fact, this picture highlights it. Statistics show that 47 out of 100 children are being sent to failure by being required to go through the entire public school system in Washington, DC.

Essentially, the public school system in Washington spends a huge amount of



money, but regrettably it doesn't educate kids very well. Seventy-five percent of the fourth graders in this city are reading below basic reading levels. Only 11 percent of the eighth graders in this city are proficient in math. That is 1 in 10, actually. Only 10 percent of the eighth graders in this city are proficient in reading. One in ten children in this city can actually read at the level at which they should be. And 42 percent—a staggering number—drop out of school in Washington. Over one-third of the District residents read below the third grade level.

Yet this school system spends \$11,000 per child—\$11,000 per child—for these results: 42 percent of the kids are dropping out of school, 1 in 10 children are not reading at the levels their peers read at across the country in the eighth grade, and almost 1 in 10 are not able to do math. That means if you go into the DC school system, you have at least a 50-percent chance of either, A, not coming out of the system or, B, if you come out, you are not going to be able to participate in the American dream.

A fundamental element of participating in the American dream, being successful, having a decent income, raising a family, owning a home, having a great job, is your ability to read, write, and do basic mathematics. So we are talking about kids being left behind.

Let me just point to a couple specific children. These are children who, without private school, would not have had the opportunity to succeed.

How did they get into private school if there is no private school choice program in the District of Columbia? There is something called the Washington Scholarship Fund which is a program that has been set up because they recognized that Washington schools were working so poorly, and they have a lottery system. If you are a low-income child in Washington, your parents can put you into this lottery system. If your name is drawn, you get a choice—basically the same program that we are proposing to fund with this bill. But that waiting list is so large that your chance of being picked—in other words, winning that lottery as a child in Washington—is only 1 in 10. For every child who gets chosen, 10 don't.

I want to read a couple of notes from two people who were chosen, who were unfortunately locked into the public school system, and their parents knew they were going to fail. Their parents knew if they stayed in the public school system as presently structured, they were going to be lost souls, lost as citizens of our country, productive citizens, because they were not going to be able to gain the skills they needed.

This is the first person I want to read about. This is a note from this young girl in the photo, Lapria Johnson. She writes:

The Washington School Scholarship Foundation is the only way I can read.

That is the group that has the lottery.

I am 8 years old. I have a lot of problems I was born with. Public schools said I would not read.

This is Lapria writing:

I read and my math is great. My handwriting is not so good, but I have an A in reading and an A in math.

She has had her hope restored as a result of having the opportunity of choice.

There is another group that I want to make a note of in the photo right behind me. This is Kevin and Kevona. That is who these two children are here in the photo. This is Mrs. Wilma Roberts writing, and these are her husband's niece and nephew. She is writing and saying:

We wanted them to have a chance to advance to greater heights. Kevin was put into special education, and all he needed was help with his speech. He was put in a school that did not help with speech or his emotional growth. The Washington Scholarship Fund has been a godsend for these and other children who have the potential to do good things with their lives.

Doesn't that really say it all? "The potential to do good things with their lives." Yet 47 out of every 100 kids who go into the Washington school system—their capacity to do good things with their lives is dramatically undermined by the fact that the school system they are in simply isn't working very well.

How do we react to this? How do we make sure the Laprias, the Kevins, and Kevonas of this city have a shot at a lifestyle that you and I would want our children to have?

Well, the Mayor is concerned about it, and the head of the school board is concerned about it. They are concerned enough that they were willing to take an extremely imaginative and creative and, politically, a very aggressive and dangerous step, from the standpoint of their political futures. They were willing to propose to the Congress, which has a unique responsibility for the District of Columbia, that if we would give them some extra money for their educational system, they would take that money and set up three very creative programs.

The first program would be a school improvement program. The second would be a program to help with the creation of charter schools, which they already have a significant number of in this city. The third would be a private school choice program patterned basically on the Washington Scholarship Fund Program that these three children have had a chance to take advantage of.

Why would the Mayor and the head of the school board and a number of the council members of this city who are responsible to their citizenry be willing to make that sort of a step? It is because they believe it will work for these kids. It is because they believe these kids should have a shot at the American dream by having the skills

they need to succeed, by having the ability to do math and writing and reading at a level that is competitive with their peers across the country. They recognize that not every child learns the same.

There are some schools that are going to help a Lapria or a Kevin, who is coded incorrectly for special education, it appears from that statement. Some of those schools are not publicly managed so they can help these kids. But they are there and they are in the private sector.

The opportunity should be given to these children to participate in those schools that are going to give them the skills they need. And so the Mayor, the head of the school board, and a number of city council members have come forward and asked for the funding proposal that is in this bill, and the subcommittee is chaired by the Senator from Ohio, Mr. DEWINE. You would think it would be almost a no-brainer that if we as a Congress, who do not manage the city of the District of Columbia but who by the nature of the Constitution have responsibility for it, are approached by the political leadership, which is taking this sort of a creative and imaginative step, that we would say, OK, that is an idea that you want to try, and we will do what we can to assist you.

The majority does take that position but, unfortunately, there is a working minority on the other side of the aisle that does not believe these kids should have a chance, that does not believe the Mayor and the head of the school board should run their school system, that believes the 7,500 children who are low-income children, who are on a list today for private school choice, should have no opportunity to fulfill their dream; that they should have to go every year to this gathering where 1 in 10 of those kids gets their name pulled out of the hat and the other 9 children are sent home in tears and their parents, in most instances—by the way, they are children of single moms. They obviously have a father, but the mother is managing the family.

In most instances, what we have is a mother who realizes that her child, who she is raising by herself—she is working gosh knows how many hours a week to do it—is not going to have a chance to succeed and get out of the cycle of poverty and dislocation she sees, because of the nature of her financial situation or the nature of her situation generally, without a better chance in education. It is usually that single mother who puts her child on that list.

The majority of those 7,500 children are children who have a single parent at home taking care of them and trying to raise them in very tough and challenging times. We have to admire those parents immensely. But those 7,500 kids are being assigned to failure by my colleagues across the aisle.

I suppose one could argue—and obviously my colleagues across the aisle



do—this is not right; that public schools should get all the money; that there should not be any competition between public and private schools; and that choice just simply should not be allowed; that we as the Federal Government should not be making that type of decision. One can make that argument in theory, but one cannot make it as it applies to the District of Columbia because we are responsible for the District of Columbia, and the leadership of the District of Columbia has come to us and said they want this program.

Basically, they are saying no vote on this language; they are not allowing us to proceed to a vote. They are filibustering this proposal because they do not have the votes to defeat it. When our Democratic colleagues run a filibuster from across the aisle, they are essentially saying they can run the city of Washington better than the Mayor can run it, better than the city council can run it, better than the president of the school board can run it, and these kids who are on this waiting list—and there would be a lot more, I suspect, if this program were to go forward—are just casualties of the politics of the Senate. Tough luck. Forty Senators on the other side of the aisle are saying to 7,500 kids: Tough luck, we have a good life in the Senate. You have no life, no chance to participate in the American dream. You certainly have no chance to become a Senator because we are going to consign you to a school system which, as far as your parents are concerned, because they made the choice to put you on the list to opt for choice, cannot take care of your need to learn and is not going to give you the capacity to be successful.

It is an incredibly cynical act that is being pursued in the Senate by a minority when this appropriations bill is being filibustered on this point.

One has to admire, though, the leadership of this city because the Mayor has been incredibly aggressive in making this case. There has been no half-way commitment. This has not been a marginal undertaking on his part. He has been calling Members. He has been making the case. And the city has tried what they can try. They have tried public school choice in this city. To some degree it has worked. In some instances, there are just not enough functioning, strong schools to allow those kids who are locked in schools that do not do very well the opportunity to make that choice.

This city has tried charter schools. In fact, probably the fastest growing part of the school system is the fact they are setting up charter schools throughout the city. Thus, we have parents pulling together to try to create entities that will work a little better.

What they are asking for is one more very important tool. There are a lot of private schools in this city. There are a lot of religious private schools, Catholic especially. There are a lot of non-

religious schools that are very good schools. Some of them are focused on unique talent development and some are general in their educational approach. What the Mayor is saying is let's bring those schools into our mix as we try to give our children a better shot at being successful at learning what they need to know.

Remember, this program is not going to be for the wealthy or even the middle income. The way this program is structured is you have to be in an extremely low-income category before you can qualify for these choice opportunities. In fact, the priority goes directly toward low-income kids in schools that have already been designated as failing. We do not limit it to that, but that is where the priority is. I suspect that will absorb completely the available slots. So it is an attempt to get at the people who are most in need in the schools that are being least responsive.

Yet the majority of Democratic Senators on the other side of the aisle say: No, no, the kids are not going to be given that chance. The kids are going to be forced to stay in these schools which have such horrific track records. It really is a startling level of arrogance and an incredible indifference to these children.

What drives it? What drives this attitude? Is it a belief that we can improve the schools by putting more money into them? If we just put more money into public schools in Washington, we can solve this problem? We know that is not the case because in the last 3 years, we have increased funding in the public schools in Washington by I think 39 percent, and we have increased overall funding even more radically over the last 8 years in the public schools in Washington. Their success rate has not improved at all. In fact, they continue to fall behind.

As I said, they spend \$11,000 per pupil in this city—\$11,000 per pupil. There isn't a school district in the State of New Hampshire that spends \$11,000 per pupil, I don't think. The only other school district in the country which is even near Washington in spending is New York City on a per-pupil basis. So it is not an issue of let's take this extra money and put it in the public school system and that will solve the problem. That can't be where they are coming from, but that is actually one of their arguments. But it is a straw dog because it doesn't stand up to any test of factual review.

Is it because they think these kids should just be left behind; that they are simply willing to say 47 out of every 100 kids in this city we can discard; we can say they can't have the ability to pursue their dreams? I doubt that. I don't think anybody on the other side of the aisle is so cynical. But that is the practical effect of the indifference to the problem and their unwillingness to address it in a creative way such as the Mayor has suggested.

Or is it there is force coming at them that is a special-interest force known

as big labor that is saying: This is the camel's nose under the tent. If the city of Washington pursues a choice program, will choice spread across the country? We know the leadership of the national unions is adamantly opposed to any form of giving children choice in our school systems.

That may be it. There has to be some reason, but it certainly is not their interest in the welfare of the children that causes them to reach this conclusion that they are going to filibuster this opportunity for these children that is requested by the Mayor, by the president of the City Council, and by the parents of those 7,500 kids who are sitting on that list and are running out of time.

Remember, these kids are being put through and pushed through the system. Every year we fail to give them adequate reading skills, adequate math skills, is another year they probably cannot recover. If a child goes from the third grade to the fourth grade and they cannot yet read at the third grade level, how are they going to read at the fourth grade level?

Every year that we do not allow the city of Washington to pursue for their children options which may bring them up to speed, we lose another large segment of children, 42 percent dropping out of the school system. It is the parents and the kids who are being left behind today, who are being filibustered today, who are being strong-armed by the minority today, and it is an act of crassness that is going to come back in the way of lost lives. Fortunately, not Lapria or Kevin or his sister but individuals such as these other children are going to end up without any hope because this Senate, and specifically the minority in this Senate, has decided that they know more about the school needs of these kids than the Mayor, than the president of the school board, the members of the City Council but, most importantly the parents of these children who have been willing to go make the effort and take the extra initiative of trying to get their kids the type of education to give them the skills they need to live in our country.

In my opinion, it is an incredibly cynical act that is occurring today, as I have mentioned, and I regret it. I hope Members on the other side of the aisle will get up, walk over to the mirror in their office, and look in that mirror and say: Why am I doing this to these kids? At least as to the city of Washington, they ought to have the courage to stand up and say it is right to give the city this opportunity.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Tennessee. Mr. ALEXANDER. Mr. President, I congratulate the Senator from New Hampshire for his remarks and for his leadership on education, especially for his leadership on this issue where he has shown his characteristic persistence over the years, and I hope he succeeds.

Listening to him talk about the children today creates a whole new way of thinking about this. I have noticed in education meetings I have attended—and I have been going to them now for a good while—people like the Senator from New Hampshire and I get up and make a speech, but if we sit down and invite a child to stand up and say something, it changes the whole nature of the meeting because it puts in perspective what we are talking about.

I am glad the Senator talked about the children who are waiting in line for this opportunity to go to a better school because that is what we are talking about.

All we are talking about is giving 7,500 of Federal dollars, new dollars—not taken from any other school but new dollars—to about 2,000 poor families, disadvantaged families in the Washington, DC, our Nation's Capital, families whose child is in an underperforming school, and giving them a chance to go to another school. That is what we are talking about.

Especially since September 11, we have talked a lot about the American character. The American character has many aspects, but one aspect of our country is that we dream great dreams, and we are not ashamed of doing that. We say things like all men are created equal. We say things like President Kennedy said one time, that we will pay any price and bear any burden to defend freedom anywhere in this world. We say things like leave no child behind. We say things like anything is possible because that is our goal. Europeans and others think we are a little goofy when we say things like that because they will say obviously we are going to leave some child behind, obviously we are not going to defend freedom everywhere in the world, obviously not every man is created equal. The answer is we know that, but our goal is the greater goal. We really want to help every child succeed. We really want to defend freedom wherever we can. We really want every American to be equal, and we are a work in progress toward those goals.

That is what makes this such a remarkable country. One of the greatest of our challenges is to meet the goal of anything is possible—and I was thinking about those children—one of the surest tickets towards success in America, in fact the surest ticket, is a good education.

We cannot legislate a good family. Families are varied. But if a child has a great education, that child has a much better chance, to not be left behind but to succeed. So one would think we would be bending over backwards, falling all over ourselves, to identify the children in America who are disadvantaged, who are not as likely to have a good education, and giving them a chance too. That is what one would think we would all be doing.

Is that not what we are talking about today? Are we not talking about identifying a couple of thousand kids who

are disadvantaged, going to schools that are not working, and giving them a chance to go to a good school? What is wrong with that?

I would think it would be embarrassing for our friends on the other side of the aisle. They have spent a lot of time talking about helping disadvantaged Americans. How can they say it is good for us Senators, our families, but we do not want to give these children that chance?

In the next few minutes, I will take three or four issues that have come up in the debate, as I have listened to it, and discuss them. The first one was—When I listened to the distinguished Senator from Illinois the other day, one of the better debaters in the Senate, as described by Senator DEWINE. The Senator from Illinois said this, and I wrote it down: This is a calamity. This will be the first diversion of Federal funds to private schools in our history, the first diversion of Federal funds to private schools.

I wanted to ask the Senator then, and I will ask today, if I may, I wonder if he has ever heard of the University of Loyola or DePaul or Northwestern or Saint Xavier or Wheaton College or Illinois Wesley? Those are all private schools, private colleges, in the State of Illinois, and at least half the students at all of those schools and colleges attend those colleges with a Federal grant or loan to help pay for college.

In the case of the Pell grant, the Federal grant, which may follow them to Loyola, DePaul, Northwestern, or Saint Xavier, that is a Federal voucher that follows them to the college of their choice.

Now, that is not just true in Illinois. It would be true at Fisk University in Nashville. It would be true at Brigham Young out West. It would be true at Yeshiva. As long as the college is accredited, whether it is private or parochial. This has been true from the beginning of the GI bill for veterans, over the last 60 years, our country has allowed Federal dollars to follow students to a school of their choice.

Someone might say I am mixing things up; I am mixing up a college with a high school. I do not think that is a real difference. At the University of Tennessee, we have a school of law, as well as a school of architecture. Those are schools. They are educational institutions. For 60 years Federal dollars have followed students to the school of their choice.

What has been our experience with that program? Most people who look at the Federal Government think the GI bill for veterans and the Federal scholarships and loans programs have been the most successful social legislation in the history of our country. Maybe Social Security stands up there with it. But it is hard to think of legislation that has created more opportunity than the GI bill for veterans and the Federal Pell grants and the Stafford loans that help people go to college. No

one says you have to go to the University of Tennessee or Vanderbilt or the University of Rhode Island or any particular school. You choose.

I remember when I was president of the University of Tennessee, I was sitting there during the last week of August when we would have about 30,000 students, coming to our school. No one made them go there, they had to choose to go there, and the money followed them to the school. It never occurred to me to come to Washington and argue to the Senate, Please don't allow any of these students to go to Vanderbilt or to Fisk University because it might take money away from our school. We saw the value of giving Americans choices of colleges and universities. We saw what it had done for them.

We saw what it did for the colleges and universities of this country, what it specifically did for the public colleges and universities, such as the University of Tennessee. Let's just look at the record. In 1945, maybe 8 or 10 percent of Americans had a college degree. Mr. President, 80 percent of the higher education students in America at the end of World War II were in private colleges and universities. In fact, when the GI bill for veterans came along, President Hutchins of the University of Chicago was appalled by the idea. He said hoboes would be coming to his distinguished university, the University of Chicago.

At that time, at the end of World War II, 20 percent of students attended public university. What is it today? Today it is just reversed: 80 percent of students who attend higher education in America go to public colleges and universities, 20 percent go to private. So the effect of the GI bill for veterans, this Federal voucher that followed students to the school of their choice in higher education, which has been the law of our land since right after World War II, has not only created great opportunity, the effect of it has been to create the greatest system of colleges and universities in America. The Federal Government helped to fund that.

We don't have just some of the best colleges and universities, we have almost all of them. And the Federal voucher for higher education has been a major source of that. So that was a really good idea.

It is rarely our experience in education to have such a close analogy, to have a 60-year experiment with a Federal voucher for colleges that has helped create the best colleges in the world. The question might be: If it did that over 60 years, why wouldn't we at least try it to see if it created the best schools in the world?

We have tried it also before the first grade. We have a child care voucher, which has been the law since 1990. It follows little children to the child care program of their parents' choice. So we would trust a single mom with the responsibility. She might be poor, she

might not be very well educated herself, some might even say she's not capable of making a good judgment for her children, but we trust her to choose the daycare program for her child, and the Federal voucher follows the child to the daycare program. It could be public, private, or religious. We permit her to enroll in a community college or university in order to advance herself, and a Federal voucher follows her to a community college. But we say somehow there is something wrong with allowing her to make a decision about where her child goes to school from the 1st grade to the 12th grade.

Of course, we don't have that problem with those who are better off—Senators, for example. We assume we are really super parents and we know a lot about schools and we are trusted to make choices. We are allowed to move to another part of town so our child will go to this school instead of that school, and every real estate agent in America will tell you that parents make moves in housing based upon where their child will go to school. That is No. 1 for them. They have the money to do it. They are free to do it. But the disadvantaged family is not free to do it.

I wonder what would happen if we were to pass a law that would be consistent with our friends on the other side of the aisle—most of them; there are some who agree with us—and just say there should be no choice to anybody; let's be fair to the rich as well as the poor. It sounds like rhetoric that might be coming from over there. Let's say no choice for school, the Government will tell you, no matter how much money you have, exactly where your child goes to school, and you may not take that child anywhere else. The Government will decide. Since your taking your child and your money to a Catholic school or private school which might hurt a public school, therefore you are not allowed to go to a Catholic school or you are not allowed to go to a private school.

In effect, that is what we are telling poor families in America. We are telling them: Because you are poor, you have no choice. Let's say it to the rich folks, too. Let's make it equal. Nobody has any choice. That will help the public schools.

That wouldn't help the public schools. That is the way the Soviet Union used to operate, one car for everybody, and by the time they got through, the car would barely run. Choice is an essential part of the American system.

So, for the Senator from Illinois to stand up and say this is the first diversion of Federal funds to schools is just flat wrong. In fact, he is ignoring the most successful piece of Federal social legislation we have ever had, which for 60 years has helped create the best colleges in the world.

My question would be, Why not try it with at least 2,000 children who are poor, going to underperforming schools

in Washington, DC, and let's see what happens? Maybe it creates a better school.

There is another little historical fact that maybe the Senator from Illinois missed as well. Right after World War II, a lot of the returning GIs didn't have a high school degree. Only maybe 5 percent of them even had a college degree at the time. So what did they do with the GI bill? They took it to high schools. There were thousands of returning GIs after World War II who took their GI bill to the Catholic high schools of America. The sky didn't fall. A lot of them ended up being among the most successful leaders in our country.

A second comment I would like to make is sometimes I hear that this is a Republican idea, or a conservative idea. It really doesn't sound like a Republican idea. Republicans are characterized sometimes by not being as interested in the disadvantaged, by not being willing to spend more money, by not wanting to talk about education. I am glad that we are, in this case. But this ought to be a bipartisan idea. I am so glad to see the Senator from California has made this discussion a bipartisan idea because it deserves to be.

Let me go back in a little history and suggest how this idea has not always been a Republican or conservative idea. Not long ago, someone gave me an article from the 1968 August issue of *Psychology Today*. The article was entitled "A Proposal for a Poor Children's Bill of Rights." The proposal was this: To give a Federal coupon to perhaps up to 50 percent of American children, through their parents, to be spent at any school. Half the American children would get a Federal coupon, they called it—voucher, scholarship—to be spent at any school—public, private, religious.

By doing so, the authors of this proposal wrote, we might both create significant competition among the schools serving the poor—thus improving the school—and meet, in an equitable way, the extra cost of teaching the children of the poor.

The idea here was to provide money on top of what is already being spent, because educating poor children costs more. The authors were not the chairman of the Republic National Committee but a young man named Theodore Sizer, along with Phillip Whitten. Ted Sizer, of course, is today one of America's most respected and pioneering educators. He was dean of the College of Education at Brown University and a leader of the Coalition of Essential Schools. He has been given about every major award American educators can give anyone, and 1968 was a long time ago. Lyndon Johnson was President. "Power of the people" was the battle cry. Sizer and Whitten went back much earlier than that.

They said this:

The idea of such tuition grants is not new. For almost two centuries various proposals for the idea have come from such figures as

Adam Smith, Thomas Paine, John Stewart Mill, and more recently Milton Friedman. Its appeal bridges ideological differences. Yet it had never been tried. Quite possibly because the need for it has never been so demonstrably critical as now.

This was in 1968.

The authors quoted Mario Santini of the Ford Foundation—hardly a right-wing organization—who spoke of:

... a parent's lobby with unprecedented motivation with a tangible grasp on the destiny of their children. The ability to control their own destinies definitely will instill in poor people a necessary pride and dignity of which they have been cheated.

Maybe those are the 7,000 parents in the District who are lined up waiting for the other side of the aisle to quit filibustering and release \$7,500 for each of those children so they can go to a good school.

What about the argument that this poor children's bill of rights might destroy the public schools? Here is what Mr. Sizer and Mr. Whitten said in 1969:

Those who would argue that our proposal would destroy the public schools raise a false issue. A system of public schools which destroys rather than develops positive human potential now exists. It is not in the public interest, and a system which blames its society while it quietly acquiesces in and inadvertently perpetuates the various injustices it blames for its inefficiency is not in the public interest. If the system cannot fulfill its responsibilities, it doesn't deserve to survive.

That is their word.

But if the public schools serve, they will prosper.

Just as our public colleges and universities have with students who bring a voucher to those schools. Those are my words.

Since 1987, we have watched in amazement how rapidly the rest of the world is seeking to emulate the American way of life. Everywhere in the world, freedom and choice and opportunity have become the principles upon which are built the answers to the most basic human questions. Around the world, nothing is in as much disfavor as government monopoly of important services. Yet that is what the other side is defending today.

I think it is important, as we go through this debate, always to remember exactly what we are talking about. Those in opposition have such poor reasons for opposition that they invent all sorts of complications and make it sound exceedingly impossible. We are talking about this: Spending \$40 million for students in the District of Columbia. The bill the Senate is debating today appropriates \$13 million for scholarships for low-income children in underperforming public schools to go to any accredited school. \$13 million for DC public charter schools and \$13 million new dollars for the DC public schools.

The Senator from New Hampshire went into great detail on this. Let me summarize a couple of points. In addition to the fact that the District of Columbia is different—and there would be

State money, if it were Rhode Island, or West Virginia, or Tennessee, that we would be spending—but here we are spending \$11,000 per student, which is among the highest in the country in the public schools. Class size is among the lowest, yet reading scores continue to be at or near the bottom of every national assessment. Sixty-nine percent of fourth graders are reading below basic level. That means 7 out of 10 fourth graders can't read. That means all educators and parents know that by the third grade, if they can't read, they are off on a track that goes anywhere but along with the American dream that anything is possible.

DC students ranked last in the Nation in both SAT and ACT scores last year. Forty-two percent drop out of school. Those are some of the statistics here in the District.

Finally, I would like to call attention to an article by William Raspberry that appeared on Monday, September 29—yesterday—in the Washington Post. Mr. Raspberry concludes his article with this question:

If federally funded vouchers help a few hundred more local students to find such an environment, how bad is that?

He was writing about the debate here in the District to create an academic high school 20 years ago. Some people said: Well, that will help some children and not others. Mr. Raspberry thinks it will help some children, and that will be good, and maybe that will help us find a way to help others. That is the basic essence of his article today. It is a good thing to use to conclude a discussion about the District of Columbia because it shows we all know that the children of the District of Columbia can succeed, the schools can succeed.

This is the way he describes Washington's academic high school:

By the way, Washington's academic high school—Benjamin Banneker—is not merely an established fact these days, it is an important source of pride for both the school system and the city. It was a Banneker student who a few years back scored a perfect 1600 on her SATs. It was a Banneker team that scored a record-setting total on the TV program "It's Academic." Banneker's students are smart, but not necessarily that much smarter than students elsewhere in the city. What they have is an atmosphere where academic striving is the norm, where no one calls them "nerds" or "brainiacs" or accuses them of acting "white."

The recent result of Leave No Child Behind shows us something we already know—that we have a lot of good schools in America. But even in many of our better schools, there are some children—almost all disadvantaged and many of them minority kids—who are not learning what they need to know, all over America, and it starts right here in the Nation's Capital. We have tried about everything. We tried charter schools. We tried more money. We tried smaller classes. There are a lot of wonderful people working hard.

What this debate is about is: Should we not take the idea which helped create the best colleges and universities in

the world and try it here in the District? Should we not help those 7,000 families standing in line out there hoping anything is possible for their child? Why not give 2,000 of them \$7,500 a year and let them go to a better school and have a brighter future? If we learn something about that which teaches us something about what to do about American education that will improve and help these disadvantaged children, so much the better.

How embarrassing it must be to stand up and argue against giving \$7,500 to 2,000 children in the Nation's Capital who deserve that brighter future.

I hope this becomes an increasingly bipartisan discussion. The Senator from California has offered an amendment which improves the legislation. Not every Republican supports this. Not every Democratic Senator opposes it. I hope over time we will see that choice as an essential part of the American system. We have had it for 60 years in our colleges. We have had it for 12 years in the Child Care Program. Every family with money has it. Why not offer it to the disadvantaged, the poor families of America, starting with 2,000 families in the District of Columbia in this bill?

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I am very happy to point out that the good Senator from Tennessee and I served as Governors together, and his emphasis was always education then and obviously still is. I respect him greatly.

I would like to speak for a few minutes on Senator SCHUMER's amendment to call on the Attorney General to appoint a special counsel, it having been laid aside on the basis of germaneness.

I rise in support of the erstwhile amendment—maybe it will come back—calling on the Attorney General to appoint a special counsel to investigate allegations that senior Bush administration personnel—perhaps including those working at the very highest level of the White House—may have knowingly and deliberately revealed to the press the identity of an undercover CIA agent.

I speak as a Senator from West Virginia and also as vice chairman of the Senate Intelligence Committee. This is a matter of national security. It is a matter of criminal law. It is a matter that demands the most careful, impartial, and independent investigation possible. As I will explain shortly, it is actually a matter without legal precedent.

The Senate, Republican and Democrat alike, should go on record today—which we have not—to demand the Attorney General not hold this too close within the administration family, where the investigation will inevitably be questioned as raising conflicts of interest. This is going to happen. Forget the people involved. It is simply going

to be an issue with the public. Rather, he should appoint a special counsel that can assure the Nation that no person in the United States, no matter where they work and what they do, are above the law in our country.

Twenty-one years ago after the tragic assassination of a CIA station chief and other attacks, Congress enacted the Intelligence Identities Protection Act of 1982 to punish the naming of covert agents. The act addressed essential appalling circumstances such as a private individual or organization engages in a campaign to publicize the names of agents. Appropriately, Congress reserved the most severe consequences—including imprisonment for up to 10 years, substantial sums of money—for unfaithful U.S. Government officials who intentionally disclose the identity of any of our country's own agents. To date, that kind of betrayal is so far beyond the pale, so to speak, so incomprehensible, that as far as the Intelligence Committee has been advised, there has never been a case prosecuted under it.

It is, therefore, with special sadness that our country now faces an investigation into whether the unimaginable has, in fact, happened; whether at the highest levels of our Government there has been a felony disclosure of the identity of one of our covert agents.

When the Senate Judiciary Committee reported the identities protection bill in 1981, it made a number of findings which are as true now as they were then. They found that it is essential for our Nation to have intelligence information that is timely, that is accurate, and that human sources of intelligence are the key to that effort and that we need and must be ready to rely on our own covert intelligence agents to gather information from our sources.

To quote our Judiciary Committee:

Without effective cover for United States intelligence officers abroad and without assurance for anonymity of intelligence sources, the United States cannot collect the human intelligence which it must have to conduct an effective foreign and national defense policy.

This was true in the cold war when this law was enacted, and it is certainly no less true today in the war against terror.

The disclosure of our agents puts them at risk. It puts their sources at risk. And it puts our Nation, as a result, at risk.

In the case at hand, there is a further danger of immediate importance: The Senate Intelligence Committee is conducting an inquiry into prewar intelligence about Iraq and how that particular intelligence compares with what is being found or is not being found on the ground in Iraq. Two of the toughest questions we are asking are whether any of the intelligence was exaggerated or distorted by the policymakers—that is, the users of the collected and analyzed intelligence—and

whether any pressure was brought to bear on any U.S. intelligence analysts to shape their prewar analysis.

I deeply hope the final answers to those questions is a no but the jury is still out. The House has produced a preliminary report of several pages. The Senate Intelligence Committee is hard at work on a very thorough, very profound effort.

I ask my colleagues, how can we possibly expect our intelligence community to come forward to help us to get the truth in the matter if they fear that retribution will follow? One has not had to raise this question before.

Since mid-July, our intelligence community officers have been reading the same press reports that we have been reading. They are reading about not just some inadvertent disclosure of a potentially covert agent but something far more insidious. If press reports are true, then the allegation at issue is that there may have been a coordinated effort to release the name of a covert agent for the specific purpose of discrediting somebody who disagreed with the administration about the fraudulent and much discredited claims of Iraqi purchases of uranium in Niger, a policy which never received virtually any credence at all.

If the U.S. intelligence community and its agents believe their careers can be crushed by a phone call or by a couple of phone calls, how can they be sure their candor will be protected? Why should they produce candor? Perhaps they will be punished. They do not know. That does not happen, particularly in our world. It can happen sometimes in politics, but this is an everyday part of their world. We rely on them for accurate intelligence as they see it, as they believe it, that is then gathered, analyzed, and passed on to policymakers for judgments.

How can the Congress meet our own investigation and oversight obligations, a committee in each body? How can we learn the true facts about the conduct of government officials and inform the American people? At this point, the prompt appointment of a special counsel is essential, the amendment being laid aside or not.

Under the Department of Justice regulation, the Attorney General is to appoint a special counsel when investigation or prosecution of the matter would present a conflict of interest for the Department and it would be in the public interest as a further matter to appoint an outside counsel to assume responsibility for the investigation in the matter. Both tests are plainly met here.

The Attorney General faces a conflict of interest when an investigation leads into the White House. And it is unquestionably in the public interest to assure confidence in such a critically important investigation.

The special counsel is admittedly not quite as independent as an independent counsel—and we have had those—was under the former statute. But the spe-

cial counsel is our best and most impartial mechanism for difficult circumstances such as these. The regulations provide the special counsel shall not be subject to the day-to-day supervision of any official of the Justice Department. If the Attorney General concludes any action sought by the special counsel should not be pursued, the Attorney General is required to notify the Congress, and the Attorney General must report to the Congress if he or she wants to fire the special counsel and can only do so for good cause.

In closing, since joining the Intelligence Committee, I have had the honor of meeting dozens of covert intelligence agencies working overseas in a variety of countries. These men and women make sacrifices that few Americans even come close to understanding or know anything about, which is as it should be. They live undercover, unable to tell their friends or even their family, what they do or where they are. They work tirelessly with much of the operational activity conducted in the evenings after regular working hours on other matters and on weekends when the rest of us are at home with our families. They put themselves at literal risk almost every single day. And they love what they do.

If the recent allegations are true, someone in this administration has done these people a grave and lasting injustice. Our intelligence agents need to know we understand the sacrifices they make and that we will come to their defense when somebody puts them at risk. An independent investigation is the only way—and it is the only way—to restore their faith in the Government they serve. Not to do so would have a chilling effect on the recruitment of people to do this vital work, in a time when intelligence may be beginning to surpass actual war fighting in terms of its importance to something called the war on terror.

I regret this amendment has been ruled out of order on this bill. I hope we will again take it up.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that my remarks be considered as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I come to the floor to respond to some of the comments that I have heard concerning the CIA's request that the Department of Justice look into the leak of the name of one of its employees. My friends on the other side claim that a special counsel should be appointed and that the Department should recuse itself from the investigation.

Quite simply, the Department of Justice is the appropriate agency to look into this matter. The CIA notifies the Department approximately 50 times per year to investigate complaints about the leak of classified information. The Department has career professionals that address matters like these. This professionalism and experience is needed in instances like these to ensure that the investigation is done in a competent and complete manner.

Some of my colleagues believe that a special counsel is needed because there has been a "clear violation of the law." I respectfully disagree. While I agree that this matter is a significant one and needs to be promptly examined, it is premature to conclude that the Protection of Identities of Certain United States Undercover Intelligence Officers, Agents, Informants, and Sources statute has been violated based merely upon media reports. In fact, there is reason to believe that no violation of this statute has occurred. The intelligence statute prohibits the disclosure of the identity of a covert agent whose identity and relationship to the United States the Government has affirmatively sought to conceal or that the defendant disclosed the name of a covert agent with reason to believe that such activities would impair or impede the foreign intelligence activities of the United States. Robert Novak, the reporter who wrote the story, has since stated: "Nobody in the Bush administration called me to leak this." He also stated that, "According to a confidential source at the CIA, Mrs. Wilson is an analyst, not a spy, not a covert operative, and not in charge of undercover operatives." If that is true, there is no violation of this statute.

I would further urge those whose knee-jerk reaction is to call for a special counsel to step back for a moment. Political opponents of the President have charge that Karl Rove leaked this information. When pressed for specific evidence about Mr. Rove's involvement, they are at a complete loss. In fact, it is my understanding that former Ambassador Wilson, who has also charged that Karl Rove leaked this information, recanted when pressed for evidence on Karl Rove's involvement. This kind of speculation is unfounded. Unsubstantiated statements like these should simply not take place on the floor of the U.S. Senate.

Since the Independent Counsel Statute expired in 1999, the Justice Department, under former Attorney General Reno, promulgated new regulations when the Attorney General may appoint a special counsel. The regulation allows the appointment of a special counsel when there is a need to investigate a unique case involving high-ranking executive branch officials and/or there is a conflict of interest for the Department.

The regulations allow the attorney general to appoint a special counsel

when he or she determines that a criminal investigation of a person or matter is warranted and (a) that investigation or prosecution of that person or matter by the Department would present a conflict of interest, or other extraordinary circumstances exist, and (b) that under the circumstances, it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter.

I have every confidence in Attorney General Ashcroft and FBI Director Mueller's integrity and ability to investigate this matter. The FBI and the Department have career employees with the skill, experience, and honesty to look into this matter. For those who doubt this, I would point out that similar skepticism was raised in the Department's ability to investigate the complaints made against it by those detained following September 11th. My colleagues on the Judiciary Committee know, because I held a hearing on the report, that the Department's Inspector General issued an exacting report on the 9/11 abuses. The report shows that the Department's Inspector General, and career employees within the Department, pulled no punches regarding the treatment of the 9/11 detainees.

This is the nature of career employees within the FBI and the Department of Justice. The continuity of service within our law enforcement community is what makes our criminal justice system the best in the world.

So I recommend to those who are recklessly casting aspersions about the ability of the Department and the FBI to professionally conduct this investigation to take a careful look at the facts.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

The Senator from Ohio.

Mr. DEWINE. Madam President, I will take a moment to remind my colleagues where we are today. We are now in the fifth day of debate of the District of Columbia appropriations bill. I think we have had a good debate, but this is the fifth day. Really, there is nothing controversial about this bill. Senator LANDRIEU and I have worked on this bill. It is a good bill. The only issue really before us has to do with the education scholarships, the school scholarships. There are those who have raised questions about those scholarships. While questions have been raised about them, we are still waiting for amendments.

I have come to the floor time and again and said, bring down the amendments.

Mr. GREGG. Will the Senator yield for a question on that point?

Mr. DEWINE. I will yield for a question.

Mr. GREGG. How many amendments are pending on the bill at this time?

Mr. DEWINE. Despite the fact that we have had a lot of discussion, there are no pending amendments to this bill.

Mr. GREGG. Then how many amendments have been filed? There must have been many amendments filed since we have been on it for 5 days. I wonder why we have not voted.

Mr. DEWINE. There was, of course, the Feinstein amendment that was filed. We were able to debate that amendment. That amendment was passed by a voice vote. Other than the Feinstein amendment, there are no other amendments that have been filed and there are no other amendments that are pending.

Mr. GREGG. Madam President, if the Senator will yield further for a question?

Mr. DEWINE. I yield further to my colleague.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. It is almost incomprehensible that we have been on a bill for 5 days, that there are no amendments filed, there are no amendments pending, and we cannot complete the bill. Why would the other side not want to complete the bill since they are not filing amendments and there are no amendments pending?

Mr. DEWINE. Madam President, I would respond to my colleague that frankly I do not know. We have had a good debate. Many of the issues my colleagues have raised have to do with amendments they have said they are going to file. They have talked about amendments. They have talked about actually several amendments that might be brought to the floor. Yet despite the fact I have asked for amendments to be brought to the floor, there have been no amendments brought. So I really frankly am at a loss to explain to my colleague why we are seeing no amendments and we are still now wrapping up our fifth day of debate on this bill.

Mr. GREGG. It seems to me in light of that history and in light of the present status of the pending amendments, of which there are none—and there are none filed—it would certainly be appropriate to go to third reading or in some other way bring closure to this bill so we could make sure the city of Washington has the money they need to operate and has the money the Mayor has asked for to do some creative and imaginative things to improve the school system in the city.

Mr. DEWINE. Madam President, I respond to my colleague that I agree with him, it is time to go to third reading. If there are no amendments, that is the normal procedure of the Senate. You look around and wait for amendments, and after a reasonable period of time if there has been debate and there are, in fact, no amendments to be of-

fered, then we would normally go to a third reading.

As I look around the Chamber, I do not see any of my colleagues, and so out of deference to them I will not make any unanimous consent at this point, but I say to my colleagues, in a short period of time I would like to raise the issue with them. I will not at this point, but I would like to make a unanimous consent in regard to moving forward.

Mr. GREGG. If the Senator will further yield for a question, I note the Senator from Connecticut is on the floor, as is the Senator from Nevada. It might be appropriate at this time, if the Senator from Ohio is so inclined, to propound a unanimous consent that we complete this bill, having spent 5 days on it, with no amendments pending and no amendments filed.

Mr. DEWINE. I do see my colleague from Nevada. I do not know if my colleague had the opportunity to hear what I said when he was coming to the floor, but to repeat it for my colleague, I said simply we have been on this bill now for 5 days. We have had the Feinstein amendment which was adopted. We have had a good debate. There really is no contentious issue about this bill, other than the one issue that has been raised in regard to the school scholarships. We have had a good debate about that. Really, it is time for the amendments to be offered. We have had discussion about amendments. In fact, three of my colleagues have come to the floor and talked about amendments they might offer. We look forward to having those amendments offered and we look forward to having additional debate on those amendments, although I will say we have already had some good debate. We look forward to additional debate, but we look forward to having those amendments offered after having 5 days of debate.

In just a moment I will make a unanimous consent request. In fact, at this point I will do that.

I ask unanimous consent that the pending substitute amendment be agreed to, the bill be read the third time, and the Senate now proceed to a vote on passage of the bill with no further intervening action or debate; further, that following the vote the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, I have the greatest respect for my friend from Ohio. I know his heart is in the right place, but I say respectfully to him and anyone within the sound of my voice, I, speaking for me, told the majority leader, privately and publicly, that going to this bill was a mistake; that this voucher issue was a contentious issue and would make it very difficult this late in the session to complete the bill.

The decision was made to go ahead with this legislation. We have been on it now for 2 weeks. I say to my friend from Ohio, the manager of this bill, along with the Senator from Louisiana, who has done an outstanding job, that this is something that is done only for fill. I think everyone knows that this bill, as long as this voucher issue is in here floating around, is not going to go very far.

So I think the leader should bring up one of the other seven appropriations bills so we can move along. We have wasted 2 weeks. There are appropriations bills we should all be dealing with. But it appears to me the decision has been made by the majority that they are not going to do any more appropriations bills; they will all be lumped into one big clump. I think that is unfortunate.

If, in fact, there is some prospect of taking the voucher provision out of this bill, we could finish this bill very quickly. So without belaboring the point, I object.

The PRESIDING OFFICER. Objection is heard, the Senator from Ohio.

Mr. DEWINE. Madam President, I regret that. I am sorry to hear that. But the fact is, this bill could be finished very quickly. We have heard comments about several amendments. Frankly, it would not take long to debate those amendments. We have already had a good debate about those amendments. We pretty much know what is in those amendments.

My colleagues could bring those amendments to the floor very quickly, we could debate them, and we could dispose of them. We could have a good debate, we could take whatever time that needs to be taken, Members could come to the floor to debate the amendment, and we could move on.

Let me ask my colleague this. In light of that objection, I wonder if we could set a time certain at least to find out if they would be prepared to set a time certain for a vote on passage for later today or perhaps tomorrow?

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, it is clear that we have had a number of days that have been wasted on this piece of legislation. As to whose fault it is, there is lots of blame to go around. I don't think we need to get into the blame game. But the fact is, we have 29 Members of the Senate who are ensconced in Dirksen 109 or 106, whatever the number—that is where I was headed a few minutes ago—on the supplemental appropriations bill dealing with funding for the military in Iraq and the reconstruction of Iraq. That meeting started at 10 o'clock today and is going as we speak. So we have approximately a third of the Members of the Senate who are there, one of whom is MARY LANDRIEU, the co-manager of this bill. She indicated to me today, earlier today, she wanted to be there during the deliberations on that most important piece of legisla-

tion, some \$87 billion that we have been asked to mark up and get to the Senate floor today. That bill will be on the floor this evening unless something goes wrong. Otherwise, it will be here tomorrow.

So I understand, having managed a few bills in my day, how the Senator from Ohio would have loved to get this bill finished 2 days ago. But under the present status of the Senate, with the total thrust for the next 2 weeks being on the \$87 billion that the President has requested, I think we would all be better served if the DC bill were taken from the calendar—which it will be just in a matter of hours. But I would love to see the bill passed.

I, by the way, a number of years ago, 15 years ago or so, was the chairman of the DC appropriations committee. I know it is an interesting subcommittee, and I enjoyed it very much. There is so much that needs to be done for the District of Columbia—in education, certainly. We just have a different outlook on what should be done to help education.

But separate and apart from that, I think if we would take the contentious issue dealing with vouchers from this bill—and you can sugarcoat it and call it scholarships or whatever you want but we are both talking about the same subject—this bill would pass in a matter of not hours but minutes. So I hope for the District of Columbia, that we would do that as quickly as possible.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. REID. I am happy to yield to my friend from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. DEWINE. If my colleague will yield for just a minute and I will finish, I am sorry to hear that. I understand what the position of the Senator is. We will continue to move on and try to get this bill passed.

Mr. REID. I am happy to hear from the Senator from Massachusetts.

Mr. KENNEDY. I ask the good Senator, it is my understanding that, if we did not have the issue of the imposition of vouchers on the District of Columbia, we could move right to third reading?

Mr. REID. In a matter of minutes.

Mr. KENNEDY. In a matter of minutes. Since this involves an education issue, and we on our side believe it is an extremely important education issue, that it is appropriate we have a full discussion about what exactly are going to be the educational implications of a voucher program, I wonder if the Senator remembers that in 1996, the Senate voted four times on the motion to invoke cloture on the DC appropriations conference report, and all four times the motion and the effort to impose vouchers on the District of Columbia failed?

We have never tried to have a voucher program in any other city of the country since 1996. It is only the District of Columbia.

All four of those attempts in 1996 failed, and since 1996 have failed. It is 2003 now. In 1997, the Senate voted 58 to 41 to reject the motion to invoke cloture on the Coats amendment. Four times in 1996, all imposing vouchers on the District of Columbia. In 1997, another vote.

In the time from 1996 to 2001, not one of our colleagues—and this is my question—not one of our colleagues who have been out speaking in favor of vouchers have ever asked any city in their State to impose vouchers. Does the Senator find that this is somewhat peculiar? We have these voices that are on the floor of the Senate: Let's rush this thing for the District of Columbia. And yet over the last 7 years that we have been voting on this, not one of them has asked to impose vouchers on any one of the cities in any one of their States?

Mr. REID. I respond to my friend from Massachusetts, it is no wonder that people who live in the District of Columbia have bumper stickers that say, "No Taxation Without Representation." It is no wonder that the people, hundreds of thousands of people who are American citizens, who live in the District of Columbia, are treated like second-class citizens. They do not even have a Senator. They have a non-voting delegate.

I say to my friend from Massachusetts, it is no wonder that people of the District of Columbia believe they are being treated like a stepchild. Are they part of this great country? People who live in the Nation's Capital can't do things that every other citizen in this country can do.

Mr. KENNEDY. Madam President, this gets to the point. I don't know whether he will agree with me. We don't try to impose this voucher program on the State of Nevada. We don't try to impose it on the State of New Hampshire or the State of Ohio or the State of Massachusetts. Does the Senator not find—I think he will—it extraordinary that we are prepared to try to impose it on the almost 600,000 people who live in the District of Columbia, who do not have any representation here to speak for them? Why aren't our friends on the other side of the aisle—mostly on the other side of the aisle—who oppose vouchers trying to impose them on the State of California or Massachusetts or Nevada? They don't ask for that. They take the District of Columbia, that doesn't have a spokesperson out here to speak for them on this issue—though it has been considered by the people of the District. It has been thoroughly and completely rejected by the majority of the school board, the school council, and the majority of parents.

What is it about our friends asking my good friends tonight, Why are we holding this up? Are they willing to accept the voucher program for the State of Ohio or for some other State, rather than imposing it on the District? I find this extraordinary.



I don't want to delay the Senator. I know he has other business. I know he will have some difficulty reading this chart. But it shows that the majority of elected officials, community leaders, and organizations in DC oppose vouchers. This is the list of the elected officials. Obviously, ELEANOR HOLMES NORTON. And it goes down to the council members, the board of education, the local organizations, various church groups, parents groups, and all the rest.

It troubles me that so many of our colleagues are willing to try to impose something on a particular community that doesn't have representation here in the U.S. Senate, where so many are against it, and when it has such broad educational implications.

I know the Senator has responsibilities. If he has a moment, the Senator remembers our long and extensive battle to try to bring reform to our public schools. We understood that we needed two elements: Reform and resources. We had the reform and the resources. Then the administration backed out.

But this chart shows public schools are held accountable when students fail. Private schools are not held accountable. Public schools are required to see that every child is taught by highly qualified teachers. In the No Child Left Behind Act, that was the requirement for 4 years. There has to be a highly qualified teacher in each classroom. There is no such requirement here, in private schools. Public schools must provide parents with report cards. Private schools don't have to provide public report cards.

I ask unanimous consent this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DC PUBLIC SCHOOLS ARE IMPROVING: TRANSFORMATION SCHOOLS

School	Read (2002)	Math (2002)	Total (2002)	Read (2003)	Math (2003)	Total (2003)
Simon ES .....	46	43	89	56	63	119
Noyes ES .....	42	43	85	58	56	114
Davis ES .....	45	51	96	50	59	109
LaSalle ES .....	47	51	98	47	54	101
Turner ES .....	43	45	88	48	52	100
Cookie (H.D.) ..	43	45	88	46	53	99
Wilkinson ES ..	35	38	73	42	48	90
Stanton ES .....	39	40	79	38	44	82
Terrell JHS .....	37	38	75	35	45	80
Evans MS .....	36	40	76	38	41	79
Kramer MS .....	41	43	84	39	41	80
Walker-Jones ..	41	42	83	37	39	76

Average scores on the SAT 9 Achievement tests.

Mr. KENNEDY. Finally, the public schools are required to accept and serve all students. Private schools are not required. As we understand, many of the private schools can't do this because they don't have either the facilities for special needs children, or the trained personnel. We understand that.

But, nonetheless, the Senator would agree with me that public school systems have served our Nation well. They are taking all children. And they would serve much better if we had an administration that would fulfill its commitment, in terms of supporting them and No Child Left Behind.

Mr. REID. My friend has been a long-standing Member of this most important committee where we have dealt with matters of education for decades in the Senate. We know that private schools, most of the time, give kids more attention. We have all heard these reports. But as the Senator from Massachusetts pointed out, they do not have to accept children who are physically or emotionally or mentally handicapped. Public schools have to take all the kids. It makes it more difficult.

We should be devoting our attention to helping the District of Columbia have the resources so they can take care of all the problems they have in public schools.

Mr. KENNEDY. May I ask the Senator a question on this? It is very interesting. We will have a chance to get into this in more detail.

They say, yes. They say, well, Senator, kids will have some kind of lottery in terms of the selection, in terms of who will attend. But there is nothing in here that requires the school to accept what the outcomes are. People run around saying: Oh, yes, we have a better system. But nothing requires them to take the children who go through this process, unlike the public school system.

Mr. REID. Private schools can pick and choose who they want. They can pick and choose the voucher kids who would be submitted to them from the school district here in the District of Columbia. Of course, who would not be accepted? A kid would not be accepted, of course, if the kid had a physical disability or a mental or emotional disability or has maybe been unruly in the past.

I appreciate very much the Senator in effect assisting the debate today. It is not as simple as going to third reading and passing the bill. If we really care about the District of Columbia, let us give them the resources they need, strip this voucher stuff off of it and come back and take a look at it again some other time.

But I would resent this Senate forcing down the throat of the people of the State of Nevada a program dealing with vouchers in the State of Nevada which the State of Nevada did not approve first. The voucher program for the District of Columbia has not been approved by the authorities in the District of Columbia. You have an elected official or a mayor walk out and say: I like it. But if he looks at it, he has gotten a few other goodies for the District. You have to ask him. But it appears to me that a few other goodies are enticing him to go along with this.

Regardless of that, he is in the minority because largely everyone in the District opposes what he wants.

I deeply appreciate the Senator from Massachusetts joining with me on the floor this afternoon.

Mr. KENNEDY. I thank the Senator. Just to continue the observation, of course, if the District of Columbia

wanted to go ahead with the program, there is nothing prohibiting them from going ahead and developing this program on their own. That is the extraordinary irony. That is what I say to those who suggest we are holding this legislation up. We cannot pass this part if it has this mandated program in terms of vouchers which has very important educational implications, not only in terms of this bill, but in the broader sense in terms of our country.

If the District of Columbia wanted to develop a program, they could do it themselves. They haven't, as has been pointed out. Effectively, we are requiring them to do so.

I am going to have more of a chance to speak on this issue, but I want to draw to the attention of the Senate the progress that has been made in what we call the transformation schools in the District of Columbia. I will take time to go through the bill in detail when we get a chance to return to it.

Some things just come out at you when you look at the District of Columbia schools. And I have had the opportunity to look. I have the good opportunity to read at the Brent School. I will read there weekly, starting in October again for this year. I have been doing that now for 7 years—this will be my seventh year. I have also taken the opportunity to speak at graduations in the District of Columbia. I did this this year. I look for that opportunity when I can, and will continue to do so.

The fact is, just a few years ago we passed the No Child Left Behind Act, with some rather basic and fundamental principles on this idea of developing the curriculum that was going to be appropriate for these children, and which was going to require well-qualified teachers to teach the curriculum. We are going to examine the child as he or she goes through the year, to find out what the child does not know. We are going to have support services for that child so they can keep up, and well-trained teachers. We have accountability for the parents so they will have information for accountability of the schools, and accountability for everyone, including the Federal Government. We are the ones who failed in terms of providing the resources to which we committed, but the transformation schools in the District of Columbia have followed many of these same principles as in No Child Left Behind.

We have made very important progress in these transformation schools. They are demonstrating the essential elements of what was in the No Child Left Behind Act. We know what works. We don't have to rediscover and find out what works. That is what is so tragic because we know the progress that has been made in these transformation schools. We know the needs. We know the struggle those parents have keeping their children in the transformation schools. We know the pressures the teachers face.

Although my chart is small, it shows the transformation schools. It compares their scores in reading and math for 2002, and reading and math for 2003. The progress is dramatic. We know what works.

We will have a chance to review this. I ask unanimous consent that the progress of a number of these transformation school be printed in the RECORD. One school is Simon Elementary School located in Ward 8, one of the poorest wards in the city. It serves 400 students, almost entirely African Americans, with 10 percent special education. Last year they raised assessment by 30 points in reading and math combined. Reading scores rose 10 points and math scores rose 20 points. Noyes Elementary School is another transformation school which is showing significant improvement.

With the resources we have available, invest in what we are doing rather than trying to superimpose another system on the District of Columbia.

I will elaborate later in the debate.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to print the following letter from Paul Strauss, District of Columbia "shadow" Senator.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE U.S. SENATOR  
FOR THE DISTRICT OF COLUMBIA,  
Washington, DC, September 30, 2003.

Hon. MARY LANDRIEU,  
Ranking Member, Committee on Appropriations,  
Sub-Committee on the District of Columbia,  
U.S. Senate, Washington, DC.

SENATOR LANDRIEU: As the United States Senator elected by the voters of the District of Columbia, I have watched the debate over my District's budget closely. In that capacity, I appreciate all of your hard work on behalf of my community. However, I also want to thank you, perhaps even more significantly, as the parent of a little girl who attends our local DC Public School.

This year, after two years of private religious Pre-K education, my wife and I decided to enroll our daughter, Abigail Lafleur Strauss, in our local public elementary school. While many of DC's elected officials have weighed in on this debate, I believe I am the only official who's child actually is presently enrolled in our often unfairly maligned Public School system.

Choosing to put my daughter in a DC Public School was not a decision we made for financial reasons. We are fortunate to have had options, but it is not a decision that we regret. I must ask those Senators who have taken the floor in recent days to broadly attack all of the District's Public Schools, please consider the damage that this inflammatory and insulting rhetoric causes. Like any public institution, our schools thrive on their relationship with their community. While DC, like many other urban areas have our share of problems, significant numbers of DC Students get a quality education in our public schools. When even our non-failing schools are attacked, these children and the hard-working teachers that serve them are done a great injustice.

The school voucher program that is currently included in the District of Columbia appropriations bill (H.R. 2765) is a further injustice to the District of Columbia public schools and its pupils. I have heard the arguments advanced by the supporters of the

voucher program, who argue that this agenda will grant low-income families a choice as to where their children can receive an education. I have watched your attempts to repair some of the major defects in the legislation as it is presently written, and bring some accountability to a program that has not been the subject of any hearings, not been adequately studied. In its present form, it is unlikely to achieve even partially the objectives of its supporters, and if I had a vote, I would support Senator Durbin's motion to strike this entire portion of the bill.

After all of the hard work done by this Congress on education, to go from a policy of "Leave No Child Behind", and replace it with "Leave All But Up to 7,500 Children Behind" is troubling to say the least. The reality is, that vouchers discriminate, helping few students, as a vast majority of students are left behind with a failing education.

If this body decides to allocate federal funds to improve the education of children of the District of Columbia, that would be very appropriate. Please remember when you consider the District of Columbia Appropriation, that while obviously, all of the locally raised funds by their very nature come from DC Citizens, a significant portion of those federal funds come from the locally residing Federal taxpayers of the District of Columbia as well. Those same Federal taxpayers, whose sole representation in this body is limited to the submission of written statements by a so-called "Shadow Senator" who is forced to watch this debate from a seat in the family gallery.

I urge that those funds be pumped into the public schools where they will be most beneficial, and in that regard I appreciate the committee's mark for Public and Charter School improvements. All children will benefit from public schools supplied with well-trained staff, school supplies, books, secured facilities, and other needed resources. Even though, these vouchers are to be funded with so called new or additional federal money, in the end, the voucher program will only drain resources and the funding for the Public Schools. For one thing, there are no guarantees by this administration to continue funding in the next fiscal year. We could start this program in fiscal 2004, and then be forced to drain local funds to sustain it in fiscal years to come. Or, even more likely, the Senate may choose to fully fund this three-tiered approach, only to have the additional funds for Public and Charter Schools struck from the bill in Conference.

I realize that my Mayor, Anthony Williams, is a supporter of the voucher program. I respect Mayor Williams. I voted for the Mayor the last time around, and I agree with him on a great many issues. I disagree with him on this issue, but I was nevertheless proud to welcome him to the Senate, when he availed himself of his Rule XXIII privileges and certainly envious that our local Chief Executive has this prerogative. I ask you to consider for a moment the irony that the DC Mayor has the privilege of the Senate floor, while DC's own elected United States Senator does not.

I was even more astonished at the suggestions by some members, mostly in the Majority but a few of my own Democratic colleagues as well, that somehow, by imposing vouchers on the District of Columbia, they are advancing the cause of Home Rule. The Senate needs to understand that if the locally selected Board of Education wanted to fund a voucher program, they would do so. Instead, the fact that the President of the Board of Education chose to bypass the School Board, does not mean that the School Board wants vouchers. It is also true, that one member of the Council of the District of Columbia supports vouchers. However,

Councilmember Chavous did not introduce a bill to create this program. He could have, he did not. The fact that he chose to bypass his colleagues on the DC Council does not mean that the DC Council wants vouchers. Nor does the fact that this Mayor, the first DC Mayor to appoint half the school board, the Mayor with more authority over local education than any of his predecessors, wants vouchers mean that the Senate is free to disregard the viewpoints and wishes of a majority of DC's elected officials, and ignore the due process system of checks and balances that are part of our limited home rule government in the District of Columbia. The reality is that, vouchers are being advanced by the President, over the objections of the majority of DC residents.

I know voucher proponents sincerely believe that they are looking after the best interests of the students of the District of Columbia; however, I urge them to consider the negative effects that the voucher program will have on the public school system and the pupils of the public schools. Let us show our faith in the American public school system, and let us not turn our backs on the children of the American public school system.

To those Senators who claim that this is not about vouchers, but claim only to be supporting Democracy by promoting the objectives of our popularly elected Mayor, I point out to you, Senator, that Mayor Williams also supports budget autonomy and full voting representation in the Senate for DC Residents. Where will these sudden champions of DC's self-determination be when it comes to these issues? If the Senate is sincere in advancing the so-called local agenda, then all they need to do is simply support full Budget Autonomy, and let the District decide on its own. Then we can see where the District's officials really are on this issue.

I thank you for all your work on behalf of my constituents in the District of Columbia.

Sincerely,

PAUL STRAUSS,  
U.S. SENATOR,  
District of Columbia (Shadow).

IRAQ

Mr. KENNEDY. Madam President, as Congress continues to debate President Bush's request for the massive sum of \$87 billion as the next installment to pay for its flawed and failed policy in Iraq, the administration frequently compares it to the Marshall plan, which was so successful in rebuilding Europe after World War II and transforming them into new democracies.

Sadly, the most obvious area in which the administration's proposal on Iraq corresponds to the Marshall plan is its cost to the American taxpayer. And the comparison here is hardly to the administration's advantage. Under the Marshall plan, \$88 million—in today's dollars—was spent over 4 years. The Bush administration is now asking for \$87 billion for Iraq for next year alone.

There are many differences between the Marshall plan and the President's unprecedented \$87 billion request on Iraq. The most important is that the Marshall plan deserved to be called a plan.

The Marshall plan was formally proposed in 1947 at Harvard in a commencement address by George C. Marshall, the famous World War II General who had become Secretary of State

earlier that year in the Truman administration. His proposal was discussed at an international conference in Paris that include 16 nations. More than a full month of congressional hearings were held in which over 90 witnesses testified.

At the conclusion of the extensive congressional debate, Senate Arthur C. Vandenberg, who had been a leading critic of the Truman administration's foreign policy, described the plan as "the final product of eight months of more intensive study by more devoted minds than I have ever known to concentrate upon any one objective in all my twenty years in Congress."

Compare that to what is happening today. Instead of a well-deliberated and well thought-out plan, the Bush administration has given the Congress a 2-month-old, 28-page "working document" and asked us to write a blank check for \$87 billion for Iraq. That request came to Congress just 6 months after we had earlier provided \$78 billion for the war.

I doubt that at the end of this debate, any Senator would be willing to describe a 2 month old "working document" as glowingly as Senator Vandenberg characterized the Marshall plan.

In the 13 days since the administration presented this proposal to Congress, we still have not been able to obtain answers to critically important questions. How will the administration involve the international community in a genuine way in the rebuilding of Iraq? Can we count on additional foreign troops to share the burden or not? How long will American troops and foreign troops remain in Iraq?

It has become increasingly clear that the President and the Pentagon never had any idea about the cost of what they wanted to do in Iraq. In this arrogant go-it-alone attitude toward other nations, they thought they could plan Lone Ranger in the world, and instead they have become a very lonesome cowboy.

Now our troops are paying for it with their lives.

In its rush to war, the administration failed to recognize the danger and complexity of the occupation. They repeatedly underestimated the likely cost of their enormous undertaking.

Opposing voices in the administration were ignored. Last September, chief presidential economic advisor Lawrence Lindsey said that the total cost of the Iraqi war might be as much as \$200 billion. His estimate was quickly refuted by White House Budget Director Mitch Daniels, who said Lindsey's estimate was "very, very high" and suggested the cost would be a more manageable \$50 to \$60 billion.

Independent analyses at that time indicated that the cost might approach \$300 billion. Secretary of Defense Rumsfeld called them "baloney."

Last spring, as part of a broader effort to win the support of the American people for the military operation, the

administration began to argue that "Iraq can pay for its own reconstruction." The war might be costly, we were told, but it would be quick and decisive. The financial obligation of the United States would be limited, because the liberated Iraqi people would use their extraordinary wealth from the world's second largest reserves of oil to finance the reconstruction.

In a February 2003 White House briefing, Ari Fleischer argued that "Iraq, unlike Afghanistan, is a rather wealthy country. Iraq has tremendous resources that belong to the Iraqi people. And so there are a variety of means that Iraq has to be able to shoulder much of the burden for their own reconstruction."

In March, Defense Secretary Rumsfeld told the House Appropriations Committee, "I don't believe the United States has a responsibility for reconstruction, in a sense . . . [Reconstruction] funds can come from those various sources I mentioned: frozen assets, oil revenues, and a variety of other things, including the Oil for Food program, which has a very substantial number of billions of dollars in it."

At the same hearing, Deputy Secretary of Defense Paul Wolfowitz said, "The oil revenues could bring in between \$50 and \$100 billion over the course of the next 2 years . . . We're dealing with a country that can really finance its own reconstruction, and relatively soon."

Also, at that same hearing, Deputy Secretary of State Richard Armitage said, "This is not Afghanistan . . . When we approach the question of Iraq, we realize there is a country which has a resource. And it's oil. And it can bring in and does bring in a certain amount of revenue each year . . . \$10, \$15, even \$18 billion . . . this is not a broke country."

What the Nation heard was clear: Don't worry about the cost. Iraq can finance its own reconstruction.

In fact last March, the administration was so confident of this that it put a \$1.7 billion price tag on the reconstruction effort in Iraq. Shortly after the war began that month, Administrator Andrew Natsios of the Agency for International Development confidently proclaimed:

The rest of the rebuilding in Iraq will be done by other countries who have already made pledges—Britain, Germany, Norway, Japan, Canada, and Iraqi oil revenues . . . The American part of this will be \$1.7 billion. We have no plans for any further-on funding of this.

The administration embraced the Iraqi self-sufficiency argument as recently as the end of July, when OMB Director Josh Bolten testified that the administration did not "anticipate requesting anything additional for the balance of this year" with regard to Iraq operations or reconstruction.

Just 5 weeks later, President Bush stunned the Nation by saying that \$87 billion in additional funding—including \$20 billion for reconstruction—was needed.

Why the change? Ambassador Bremer says Iraq has an unsustainable level of foreign debt—nearly \$200 billion—left over from Saddam which would prevent use of Iraq's oil wealth to pay for the reconstruction.

Iraq's enormous debt was already well-known. But the administration chose to ignore it in order to convince the public that the costs of reconstruction would be low.

The architect of much of the Iraqi war plan, Deputy Secretary of Defense Paul Wolfowitz, is now saying that we knew all along the war would be expensive. Despite earlier claims that Iraq could pay for its reconstruction and relatively soon, Secretary Wolfowitz told the Senate Armed Services Committee on September 10: "No one said we would know anything other than this would be very bloody, it could be very long, and by implication, it could be very expensive."

Secretary Wolfowitz never told the American people it could be very expensive. Until this month, no one in the administration—other than Larry Lindsey—said it would be expensive.

This is worse than fuzzy math, and the American people have a right to be furious about it.

And they will be even more furious about it as they learn what we are being asked to fund: \$400 million for maximum-security prisons. That's \$50,000 a bed; \$800 million for international police training for 1,500 officers, that's \$530,000 an officer; Consultants at \$200,000 a year. That's double normal pay. It is double their profit margin too? And \$164 million to develop a curriculum for training Iraqi soldiers. Why does it cost that much to develop a curriculum? And \$1.4 billion to reimburse cooperating nations for logistical, military and other support provided to U.S. military operations; \$100 million for the "United States Emergency Fund for Complex Foreign Crisis"; \$15.5 million to the European Command for countries directly supporting the war on terror.

Before Congress rubber-stamps the administration's \$87 billion request, we need answers. We need accountability. We need the truth. The amount of money is huge. It is more than the combined budget deficits of all 50 States for 2004. It is 87 times what the Federal Government spends annually on afterschool programs. It is 2 years worth of unemployment benefits. It is enough to pay each of the 3.3 million people who have lost their jobs in the past 3 years more than \$25,000.

It is seven times what President Bush proposed to spend on education for low-income schools in 2004—seven times the amount. It is nine times what the Federal Government spends on special education each year. It is eight times what the Government spends on Pell Grants to help middle and low-income students go to College. And it is larger than the total economy of 166 nations.

Clearly, we need to require competitive bidding for Iraqi contracts. Left to

its own devices, the administration will continue to make sweetheart deals with American contractors at the taxpayer's expense.

A third of the \$3.9 billion monthly cost of the operations in Iraq is quietly flowing to private contractors. Halliburton alone has already received more than \$2 billion in contract awards—an amount that exceeds Administrator Natsios' original \$1.7 billion estimate for the total U.S. cost of the reconstruction of Iraq. More than \$1.2 billion was awarded in noncompetitive bidding. The Iraqi people deserve the benefits of peace, but instead, the administration's friends in corporate America are divvying up the spoils of war.

Is Halliburton the company best able to get the job done efficiently for the U.S. in Iraq?

In 1997, the General Accounting Office found that Halliburton's construction subsidiary in the Balkans had billed the Army \$85 a sheet for plywood that actually cost \$14 a sheet; In 2000, the agency found that the company was charging the Pentagon four times what it should have been charging for office cleaning; In 2002, the company paid the U.S. "\$2 million to settle fraud claims at Fort Ord." At a minimum, all contracts should be provided on a competitive basis—no exceptions.

Why not scale back the lavish resources being provided to contractors and consultants and provide larger sums directly to the Iraqi people? It is their country. They have the greatest stake in the success of their reconstruction, and involving them will enhance the prospects for success.

In some areas of Iraq, military officials have already been able to achieve impressive results with small amounts of money. One former military official told me that the U.S. military funded the building of a cement factory for just \$100,000. The bid by an American contractor for the same project was in the millions.

Iraq has many of the best trained oil engineers in the world. Why not give them—rather than large American companies—a larger role in rebuilding the industry?

As the Congress debates this funding, we will be looking for answers from the administration to these questions. We will be insisting on accountability. The administration cannot continue to low ball the cost and make up its plan day by day. It can no longer cook the books.

The administration's failure to have a plan is costing too many lives and too many dollars. It would be irresponsible for the Congress to write an \$87 billion blank check for the administration, without demanding an honest plan to achieve stability in Iraq, involving the international community in the rebuilding, and preventing the disaster in the making we have caused.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, within the past hour or so the Senate Appropriations Committee finished its work on the supplemental appropriations request that President Bush has made for Iraq and Afghanistan. We had a rather lengthy session today starting at 10 this morning. We had a series of votes on a range of important issues. I wanted to comment about what we can expect on the floor of the Senate. I offered some amendments. I want to describe one of them for a moment because I intend to offer it tomorrow morning.

The supplemental appropriations bill that is necessary for Iraq is an important issue. The President has asked for \$87 billion in additional funding, immediate and urgent funding on an emergency basis for Iraq. Roughly \$65 billion, close to 66, is for the military, and another \$20.3 billion is for reconstruction in Iraq. I want to talk about the reconstruction issue because that is critically important.

The question is this: Should the United States taxpayer bear the burden of \$20 billion for reconstruction of Iraq? Among the list of items of reconstruction in a 55-page document from the administration are the following: \$9 million to create a ZIP Code system, the purchase of a fleet of garbage trucks at \$50,000 a truck, creating 2 prisons with 4,000 beds at \$50,000 a bed, and the restoration of marshlands—and I could go on.

Many of these things may be desirable, but they are not urgent.

Let me also say that in our recent military campaign in Iraq, the so-called Shock and Awe campaign—a devastating military campaign that very quickly crushed Saddam Hussein's army—we deliberately avoided damaging the infrastructure of Iraq. We deliberately did not target the electric grid, the powerplants, roads, dams.

So while reconstruction for Iraq may be necessary, it is not because this country damaged Iraq's infrastructure. Instead, Saddam Hussein for many years took from the economy of Iraq and provided to his military. He starved Iraq's economy, and the economy is in pretty tough shape.

Now, Iraq is a country of about 24 million people, something close to the size of the State of California. It is not an impoverished country flat on its back with no hope and no resources. This is a country that has the second largest oil reserves in the entire world, with liquid gold under its sands. It has the capability, Ambassador Bremer said, of pumping 3 million barrels of oil a day beginning in July next year. Three million barrels a day means Iraq will produce \$16 billion a year of net

export value of oil, conservatively. That is \$160 billion in net export of oil in the next 10 years or \$320 billion in 20 years.

Members of the Iraq Governing Council were in town today, and the chairman of the Iraq governing authority said: It is not 3 million barrels, we are going to produce 6 million barrels a day, and we have the largest oil reserves in the world.

Now, I don't know who is right about that. But this country of 24 million people has massive oil reserves, the pumping of which will produce substantial revenue that ought to be used to reconstruct Iraq.

So it is incomprehensible to me that the Administration would be requesting that the cost of reconstruction be born by the American taxpayer.

Do you want to know who said it was not the American taxpayers' job to reconstruct Iraq? Paul Wolfowitz, the Assistant Secretary of Defense.

He said: This will be paid for with oil revenue.

Vice President DICK CHENEY also said: Oil revenue will help pay for the reconstruction.

Mr. Natsios, the head of USAID, said reconstruction in Iraq would cost \$1.7 billion, and that would be the total cost to the American taxpayers for the reconstruction of Iraq. He said this 5 months ago, and he said it three times on the same Ted Koppel program.

To a person, the folks in this administration who spoke to this issue have said the reconstruction of Iraq should be done with the use of Iraqi oil proceeds.

Now, I offered an amendment in committee today. It lost by a vote of 14 to 15. It lost by just 1 vote. My amendment directed Ambassador Bremer, working in consultation with the Iraqi Governing Council, to establish an Iraq Reconstruction Finance Authority. The amendment said that this Authority's mission would be to sell securities against future oil revenues, to raise the money to reconstruct the country of Iraq. I mentioned that Iraq could earn \$160 million from oil over 10 years. If that Reconstruction Finance Authority would borrow \$30 billion at 6 percent for 10 years, they would repay it at \$4 billion a year.

That is an easily achievable goal for the country of Iraq. And it would mean, simply, that Iraqis would use their oil to finance the reconstruction of their own country.

When this amendment failed in committee today, we were told that, instead, the American taxpayers should pay this bill.

Let me talk just for a moment about how my amendment—which I will offer again on the floor of the U.S. Senate—would work. I am not suggesting we loan money, I am not suggesting we have a guaranteed loan, I am not suggesting the American people take the Iraqi oil and sell it and use the proceeds. I am suggesting the Iraqis construct an Iraqi-controlled authority,

called the Reconstruction Finance Authority, and that that authority use Iraqi oil as collateral for loans, or as security for bond issues. That financing would then be used to reconstruct Iraq. This is Iraqi people, using Iraqi oil, to invest in Iraq. It has nothing to do with the United States getting its hands on Iraqi oil. But it does have to do with relieving the burden on the shoulders of the American taxpayers, the responsibility to pay \$21 billion for the reconstruction of Iraq.

When I asked Ambassador Bremer about this, I said: Mr. Ambassador, why can we not collateralize or securitize Iraqi oil, and let Iraq oil pay for the reconstruction of Iraq? His answer was: Senator, Iraq has a very substantial foreign debt. It owes a lot of money to other countries, such as Russia, France, and Germany, he said. Therefore, it can't pay for the reconstruction.

After the hearing, I did some research on Iraq's debts. I discovered, in fact, that Iraq does owe a fair amount of money. It was Saddam Hussein, of course, who committed his people to those loans and other things. Saddam Hussein's government doesn't exist now; he is not there; he has vanished. But it is true that Saddam Hussein had foreign debt. The largest debt, however, is not—as Mr. Bremer suggested—to Russia, France, or Germany. The largest debt the country of Iraq owes is to Saudi Arabia and Kuwait. Oh, they owe some to Russia, France, Germany, and others, to be sure. But the largest debt is to Saudi Arabia and Kuwait.

Wouldn't it be perverse if, as Ambassador Bremer suggested, Iraq oil had to be pumped out of the ground to provide the cash that would allow Iraq to send money to Saudi Arabia and Kuwait—two of the wealthiest countries in the world—so that the U.S. taxpayer could come in on the back side and reconstruct Iraq? In other words, does it make sense for the American taxpayer to ante up the money to reconstruct Iraq because Iraq's oil has to be used to send checks to the Saudis?

I am sorry, I came from a really small town, but I recognize something really stupid when I see it. Has this town lost all common sense?

Perhaps we can pump a little common sense back into this system when we have this debate on the floor of the Senate tomorrow. I intend to offer the same amendment tomorrow on the floor of the Senate, and I intend to get a vote on it. I know it will be second-degreed and we will have all kinds of machinations. I intend to hang in there and get a vote eventually on the amendment I offered in the Appropriations Committee.

I intend to ask this question on behalf of the American taxpayers: Do you really think this burden ought to belong to the American taxpayer? Don't you believe a country with the vast resources that exist in Iraq ought to be able to produce these resources from their oil and invest back into that

country? The answer is clear to me, and I think it is clear to a lot of Americans.

We have debates on a lot of issues here, and I find it interesting that sometimes there is an issue of \$2 million, sometimes \$20 million, sometimes \$200 million, or perhaps \$2 billion, and we spend countless hours debating that. Well, this is \$20 billion. This is a \$20 billion "urgent emergency" that is being moved without a lot of debate.

The Administration has proposed a whole list of things for Iraq as part of this \$20 billion request, including English as a second language training, advanced business classes, computer literacy training. The Administration wants to improve Iraq's sewer systems, because only 6 percent of Iraqis have good plumbing. Under the Administration's proposal, about 12 percent of Iraqis would have good plumbing.

Another interesting item the Administration is proposing is marshland restoration in Iraq. I find it really interesting that they would describe marshland restoration as an "emergency."

There are so many things in this 55-page document, that I hope all of my colleagues will read, which represent the urgent menu for reconstruction in Iraq, and the question that will be asked, or should be asked, is: who bears the burden?

I am not suggesting reconstruction is not necessary. It is very likely that when Iraq has this reconstruction—and perhaps that should happen sooner than later—Iraq will be a safer and a better place with an expanded economy, and perhaps we will be able to bring our troops home earlier. And I obviously want American troops to be able to come out of Iraq as soon as possible and let Iraq control Iraq's destiny.

I believe reconstruction will be a part of the key to doing a lot of important things in the future of Iraq.

But I believe the question of how do you function with this reconstruction issue hanging over our head, as to who should finance it—I think that is a critical question.

I cannot tell you how many times we have come here to talk about joblessness in this country, people losing jobs. My colleague, the other day, talked about Huffy bicycles. I went to one of these big department stores—I will not describe the one I was at—and I saw a big row of Huffy bicycles. They used to be made in Ohio. Not anymore. All of those jobs are now Chinese jobs. They flat out moved all of those jobs. So if you buy a Huffy bicycle, you are buying a Chinese bicycle. Why? There are lower wages over there.

We have all these issues about job training, joblessness, trade, promotion of U.S. products and commodities, and so on. But when we offer an amendment, we are told we just don't have the money, we are deep in debt. But all of a sudden, when it is Iraq reconstruction, it is Katie bar the door; we have as much money as you need; it doesn't

matter. All of it has to go for that; you cannot take one piece out because it is part of a package, it is symmetrical. Boy, it is one of these things where, when you pull a loose string on a cheap suit, the arm falls off.

So I think we need to rethink the Administration's request with respect to reconstruction.

Now, let's make sure we support our troops. This country should not send its sons and daughters to war and then say we won't support them.

But on the issue of reconstruction of Iraq, let's make a better decision and a different decision, especially with respect to the use of oil revenues and the resources that exist in Iraq.

I will speak tomorrow on that amendment. I see my colleague from Alaska is here. He sat in the chair from 10 o'clock to 5 o'clock this afternoon chairing the Appropriations Committee. While we had some disagreements and perhaps raised our voices a couple of times today, he is a chairman for whom I have the greatest respect. The way he handled that committee today demonstrates his skill in this Chamber. I only wish he would support my amendment. It would be a whole lot easier to adopt it. It probably would not even have a recorded vote if he were supporting it.

I thank him for his leadership in the committee. I hope we will have an aggressive and full debate about these issues tomorrow when he brings the bill to the floor. I will pledge this: I know they want to move along to deal with these issues, so I will come to the floor early and offer my amendments. I want to have a full opportunity to discuss and debate them. The chairman will not have to inquire about whether I am going to come to the floor at some point soon. I will be here when we bring the bill to the floor tomorrow and hope to play a constructive role in improving the bill.

Mr. President, I yield the floor.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF PROCEDURE

Mr. FRIST. Mr. President, after a lot of discussion over the course of the day, a lot of progress having been made due to the chairman and ranking member on the Appropriations Committee, the Democratic leader and I wanted to come to the floor and clarify and share with our colleagues how we see the next several days, and actually the first few days after our recess, play out in the sense that our mutual goal is that we address the Iraq and Afghanistan emergency supplemental bill in a